

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

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

8022

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

REPORTERS' TRANSCRIPTS ON APPEAL

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1 THE COURT: People against Watson.

2 Let the record show all jurors, counsel and
3 defendant are present.

4 Mr. Keith.

6 REDIRECT EXAMINATION

7 BY MR. KEITH:

8 Q Doctor, you told Mr. Bugliesi that a person who
9 is schizophrenic isn't, ipso facto, legally insane under the
10 M'Naghten rule.

11 You are not telling us, though, that a person
12 who is schizophrenic cannot also be legally insane, the two
13 aren't mutually --

14 A No, not at all.

15 Q In other words, however, is it also true that
16 a person who is legally insane, as you have described Mr.
17 Watson on these two nights of homicides, need not necessarily
18 be schizophrenic, I suppose?

19 A I guess there may be other very severe psychotic
20 disorders that might lead a person to be insane without
21 actually being schizophrenic.

22 Q However, you would expect a person who was, when
23 you found to be legally insane under the instructions his
24 Honor read to the jury, to also be schizophrenic?

25 A Yes.

26 Q And this psychosis that you described, or at
27 least one form of psychosis, the folie a deux and the folie a
28 famille, this psychosis grew out of Manson's domination, did

1 it not, as well as the life at the Spahn Ranch, the life style,
2 the social isolation and the drug use?

3 A Yes, I think all of these contributed to the folie
4 a famille, which is a psychosis that is shared by members of
5 the family. Typically, there is a very strong, dominant family
6 head who is very psychotic and usually paranoid; and the
7 psychosis becomes accepted and believed by the other members
8 of the family.

9 Also, very typically, the family, itself, is
10 isolated from other people who might question their delusional
11 beliefs and act as a check on these beliefs.

12 Q When you talk about delusional beliefs, do you
13 mean the belief that the Manson family, after the race war
14 had concluded, would ultimately rule the world?

15 A That's right.

16 Q And would emerge from the bottomless pit unscathed
17 and unaged and take over from the blacks who found themselves
18 unable to control the reins of power, so to speak?

19 A That's right; in essence, they would be remnants
20 of civilization.

21 Q And is this to which you refer when you talk about
22 a delusional belief or thought system?

23 A Yes.

24 Q Among other things, that Manson told his followers?

25 A That's right.

26 Q Now, therefore, in your opinion -- or did you
27 consider in forming your opinion of legal insanity in this case,
28 as you described it, the grand design of Manson and his family

1 to ultimately be the rulers of the world?

2 A Yes, I did.

3 Q And did you form an opinion as to whether Mr.
4 Watson at the time of -- at the time or about the time of
5 the homicides totally accepted the grand design, as you have
6 put it?

7 A Well, there were periods when he did begin to
8 question it, but at least at --

9 Q I said at the time --

10 A -- at the time of the killings, yes, I believe he
11 accepted it completely.

12 Q And, in your opinion, did Mr. Watson believe that
13 killing these people would precipitate or foment and incite
14 the black-white revolution and eventually lead to the
15 domination or rulership of the Hansen family?

16 A Yes, I feel that he believed that.

17 Q And did you consider in forming your opinion that
18 Watson believed that, that Hansen preached it, that this was
19 going to happen?

20 A Oh, very definitely.

21 Q Did you form an opinion as to whether or not Mr.
22 Watson, himself, in his mind that it was right and proper to
23 go out and kill these people at Mr. Hansen's behest in order
24 to bring about the rulership of the world by Mr. Hansen?

25 A Yes, in the sense that he felt it really wasn't
26 killing people but, rather -- that is, taking human lives --
27 he was just going through the motions of putting to rest people
28 who were already morally and spiritually dead.

1 Q You considered that part of Mr. Manson's thought
2 system, I take it, that the establishment, the pigs, as he
3 termed them, and us, were already dead?

4 A That's right; to him, I think, they were just
5 objects, inanimate objects walking around. I think in many
6 ways he assumed that they were robots just like himself,
7 perhaps programmed with a different program, one that was
8 degenerate and morally corrupt.

9 Q Do you believe that at the time of the killings
10 Mr. Watson believed himself to be sort of an emissary from
11 his Messiah, Manson, called upon or selected to go out and
12 foment the black-white revolution?

13 A Yes, in the sense that he was given orders and
14 he had really no way to think for himself, to judge whether
15 these orders were right or wrong. He didn't have the capacity
16 to make this judgment, in my opinion.

17 Q Is what you are telling us that he didn't have the
18 knowledge or understanding that what he was doing was wrong at
19 the time --

20 A Yes, it is.

21 Q -- by reason of the various facts and circumstances
22 that you have related about Manson's philosophy?

23 A That's right.

24 Q Now, Mr. Bugliosi has made much in his assumed
25 hypothetical questions that the group -- and I am talking about
26 Watson and Linda Kasabian and Susan Atkins and Patricia
27 Krenwinkel -- apparently did certain things generally to avoid
28 detection, to conceal the identities of the perpetrators.

1 Do you recall the hypothetical questions you were
2 asked by him?

3 A Yes, I do.

4 Q Now, assuming, assuming that the group who committed
5 the Tate homicides did not want to get caught and, assuming
6 all we have been discussing is true, that ultimately Mr. Manson
7 wanted to lead his group to the desert and go down in the
8 bottomless pit and after all the shooting was over and the
9 certain of the blacks emerged triumphant, that Manson and
10 his followers would emerge from the bottomless pit and take
11 control of the world, is the assumed fact that the perpetrators
12 of these homicides did not want to get caught, bearing in mind
13 the other assumptions we have been making, inconsistent with
14 your finding that Mr. Watson was legally insane?

15 A Well, as I said, it is possible that this is an
16 explanation for what he did if, in fact, these hypothetical
17 assumptions were true.

18 Q We are assuming, just as Mr. Eugliosi did, that
19 the group did take certain measures in order to avoid
20 detection, they didn't want to get caught; we'll assume this.

21 A That this, then, would interfere with the grand
22 design and in a way would be a letdown to Manson.

23 Q Well, if Watson had been caught, Watson and the
24 girls had been caught, it is reasonable to believe that their
25 being arrested would be traced back to the Spahn Ranch and
26 Manson by the police; isn't that a fair assumption?

27 A Yes, I think it would.

28 Q And if Manson were suspected and arrested, then

1 this would destroy his grand design, wouldn't it?

2 A Yes, it would.

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1 Q So it is unreasonable to find that Mr. Watson was
2 legally insane, even though he didn't want to do anything that
3 would result in Manson's being arrested for these crimes, and
4 took affirmative measures to see that this didn't happen,
5 bearing in mind the delusional thought system they were
6 operating under?

7 A I would say that this would be consistent with
8 the delusion in that he may have been insane and still wanted
9 to avoid being arrested.

10 Q In your opinion, Doctor, has Mr. Watson since you
11 have known him, and reconstructing events as you have been
12 able to, appreciate fully the enormity of what he did?

13 A Yes. I think after he was arrested and taken from
14 Texas to Los Angeles, when he was in the county jail, I felt
15 at that time he began to appreciate the enormity of his actions.

16 I think that was in large measure a reason for his
17 very severe regression to a point of being almost an infant,
18 having to take, having all of his needs be taken care of by
19 someone else.

20 I think this was a very profound psychotic
21 depression which resulted from some awareness of what he had
22 done.

23 Q Incidentally, when one is psychotic, is it your
24 definition that such a person has suffered a very sharp break
25 from reality?

26 A Yes.

27 Q And there is many different types of psychoses;
28 is that correct?

1 A Yes, and many different degrees of severity.

2 Q And do they all have, these all different types,
3 have this common denominator: Sharp break with reality?

4 A I think in the acute florid form, that is in a
5 very severe degree, they all have a break with reality to a
6 significant degree. Obviously in no case is the break
7 absolutely complete, but in this case I think it was a very
8 severe degree.

9 Q And when we are talking about a break in reality,
10 perhaps you could expound a little bit on what you mean in
11 psychiatric terms.

12 A Well, I think that the person is unable to function
13 normally, that he behaves frequently in a bizarre manner, that
14 it is difficult for him to differentiate between what he sees
15 and what he imagines, that is he may live in a world of his
16 own fantasy rather than in the world around him.

17 He may hear voices from people that he imagines
18 are there where in reality they are not there. He misperceives.
19 He misinterprets. His judgment is very poor.

20 He acts at a very primitive level and may not be
21 able to control his impulses. He may think that he is somebody
22 else.

23 Q Like the devil?

24 A Like the devil, right, and has confusion about his
25 own identity and what his boundaries are, where he leaves off
26 and the rest of the world begins.

27 It is a state of confusion and disorganization
28 of almost the entire personality in its most severe form.

Q You have used the terms confusion and disorganization. Let's assume on these two nights of homicides Mr. Watson acted fairly or apparently rather coolly, do you find an inconsistency between these two concepts or two types of behavior, or can they be reconciled?

A He acted coolly, but mechanically, in that everything he did was something that was almost automatic to him.

He drove a car, according to Mrs. Kasabian's testimony.

This certainly would be possible because he has been an automobile expert all his life. It became automatic to him.

Answering simple questions, "What are you doing?"

"I am taking a drink of water."

"Is that your car?"

"Yes, it is," or, "No, it is not."

These are very simple concrete explanations or answers or behaviors and at this level, it doesn't require a tremendous degree of judgment or thought, or perception, that he could act fairly cool and fail to this simple basic level.

I think that he was so cool and so detached indicates that even though he was carrying out all of these functions in a mechanical way, that there was really no appreciation of what he was doing, no understanding of what he had done, no realization that he was actually taking human lives and it was only after being in the jail here, in the county jail, that suddenly the enormity of his actions came to him and resulted in this profound depression.

1 In a way this is also a more normal reaction than
2 the reaction he exhibited on the nights of the murder.

3 Q You used the term "concrete thinking."

4 Is there different types of thought processes like
5 primitive thinking and concrete thinking and then is there a
6 higher intellectual functioning that psychiatrists use in
7 their nomenclature?

8 A Yes. As a child grows up and learns language,
9 he thinks in concrete terms and goes from that into more
10 abstract thinking, that is he is able to use his imagination,
11 to think ahead, to delay gratification in the sense that,
12 for instance, a baby who is hungry will scream until he is
13 able to get fed; whereas an older child can wait for dinner
14 or for lunch.

15 As his language skills develop, they become more
16 abstract or complicated. They are able to think in much more
17 sophisticated ways.

18 The behavior that Watson went through that night
19 might very well have been behavior of a small boy who answers
20 questions very simply and very concretely. This type of
21 thinking is one of the main symptoms of severe psychosis, to
22 be only able to think and answer and act in very primitive and
23 unsophisticated ways.

24 Q Is it almost an inherent inborn reaction not to
25 want to get caught?

26 A I think one of the basic instincts is the survival
27 instinct. That is true.

28 Q For instance, little children don't care to be

1 caught when they have been naughty; isn't that a fair
2 assumption?

3 A That is true.

4 MR. KEITH: Quit laughing.

5 I am sorry, your Honor. I got a little disturbed
6 at the prosecution's laughing.

7 THE WITNESS: In fact, I think I would even draw that
8 analogy a little further, that little children might be
9 afraid of getting caught, even though they don't realize or
10 appreciate that what they are doing is wrong.

11 In other words, all they might see is that perhaps
12 they are doing something that makes their parents angry, but
13 it hasn't yet been internalized to the point that they under-
14 stand why what they are doing is wrong.

15 If a child is about to stick his finger in the
16 electric outlet, the mother might say, "No," and he jerks it
17 back without realizing why it is dangerous for him to stick his
18 finger in the outlet or why his mother is angry with him.

19 Q In this case let's assume again for the sake of
20 argument, the hypothetical question, the same one that Mr.
21 Bugliosi put to you.

22 Let's assume that Mr. Watson did in fact suggest to
23 the girls that they wipe the fingerprints off the knife and
24 throw the clothes over the cliff, indicating a desire on his
25 part not to want to get caught.

26 Is that necessarily an indication of a higher
27 intellectual functioning as opposed to this concrete child-like
28 thinking you have been describing?

1 A No, not necessarily.

2 Q And bearing in mind the delusional system under
3 which this Manson family was operating, assuming these
4 measures were taken by Watson to avoid detection, is that
5 necessarily inconsistent with legal insanity?

6 A No, it is not necessarily inconsistent with legal
7 insanity.

8 Q Is it consistent, however, with the delusional
9 system under which the Manson group were operating to eventually
10 become rulers of the world and to blame the homicides on the
11 blacks, and certainly not themselves?

12 A Yes, I think if they were to get caught that it
13 would completely ruin the grand design of Manson.

14 Q You had heard, had you not, or learned, at any
15 rate, that it was Manson's desire and the family's desire that
16 the blacks be blamed for these homicides and not white people,
17 and certainly not the Manson group?

18 A Right.

19 MR. KEITH: Nothing further.

20 MR. BUGLIOSI: I have nothing further.

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

22 MR. KEITH: We have no further witnesses at the present
23 time, your Honor.

24 THE COURT: Approach the bench, gentlemen.

25 (An unreported discussion was had between
26 court and counsel at the bench.)

27 THE COURT: Ladies and gentlemen of the jury, we will
28 recess at this time until 1:30.

1 Once more, please heed the usual admonition.
2 (At 11:45 the noon recess was taken until 1:30
3 p.m. of the same day.)
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1 LOS ANGELES, CALIFORNIA, FRIDAY, OCTOBER 15, 1971; 1:30 P.M.

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4 THE COURT: People against Watson.

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

7 Ladies and gentlemen of the jury, I understand
8 some of you have been inquiring how long this case is going
9 to last.

10 I have been authorized to tell you this: We will
11 complete the taking of testimony either Monday or Tuesday
12 morning. We will be through with the testimony.

13 Thereafter it will be just a matter of argument
14 and your deliberations. I have been authorized to tell you
15 that. I hope that helps.

16 I take it you wish to call Dr. Fort out of order;
17 is that correct?

18 MR. KAY: Yes, your Honor.

19 The defense has been kind enough to allow us to
20 do that.

21 THE COURT: You may do so.

22 MR. KAY: Dr. Fort.

23
24 JOEL FORT,
25 recalled as a witness on behalf of the people, having been
26 previously duly sworn, testified further as follows:

27 THE CLERK: You have previously been sworn. Would you
28 be seated and state your name for the record.

1 THE WITNESS: Joel Fort.

2
3 DIRECT EXAMINATION

4 BY MR. KAY:

5 Q Dr. Fort, counsel in this case have stipulated
6 that the jury may consider all of the evidence and testimony
7 at the guilt phase of the trial so therefore I am not going
8 to be repetitious and ask you anything that I asked you at
9 that phase of the trial.

10 THE COURT: We will try to hold him to that too.

11 Q BY MR. KAY: As a matter of fact, I only have
12 about 10 questions to ask you, Doctor.

13 Doctor, how many times in your career examined
14 a defendant to determine whether or not he was sane or insane
15 at the time he committed a crime, approximately?

16 A About 40 times I would say.

#11 1 Q Now, Doctor, I am going to ask you some questions
2 framed in the wording of the instructions, so if there is
3 anything -- if you miss anything, don't hesitate to ask me.

4 Dr. Fort, do you have an opinion based on your
5 knowledge of this case, based on your knowledge of Mr. Watson
6 and based on your expertise in the field of hallucinogenic
7 drugs whether or not at the time of the five Tate murders and
8 the two La Bianca murders Mr. Watson knew and understood the
9 nature and quality of his acts of murder?

10 A Yes, I have such an opinion.

11 Q And, first, what do you understand the term
12 "nature and quality of his acts" to mean?

13 A Well, basically, that he knew what he was doing
14 at the time.

15 Q All right.
16 What is your opinion, Doctor?

17 A That he did know what he was doing. That is, was
18 aware of the nature and quality of his actions at the time of
19 the killings.

20 Q All right; and what is the basis for that opinion?

21 A The basis is a combination of my interview with
22 him and the way he recounted to me what was in his thoughts
23 during the time of the actual killings, combined with the
24 evidence of planning, the awareness of the implications of
25 killing somebody, the awareness of the possibility of being
26 caught and being prosecuted for it; and specifically I would
27 include in that the cutting of the telephone wires, the
28 positioning of his own car and of Steven Parent's car, the

1 stopping and killing of Steven Parent, the investigation of
2 the entry points of the house and, finally, supervising the
3 entry into the Tate residence.

4 Prior to that, I would also include placing the
5 gun and the knife in the glove compartment of the car and
6 then subsequently expressing -- that is, after the killings --
7 expressing concern about a lost knife, wiping off or asking
8 that the fingerprints be wiped off the weapons, seeing that
9 they were thrown out either by him or by somebody else in
10 the car, the washing off of blood and the changing of clothing,
11 and then the drive back to the ranch and reporting in and
12 going about his usual tasks, or his usual routine, rather,
13 after he returned there.

14 Q Doctor, do you have an opinion, based on your
15 knowledge of this case, based on your knowledge of Mr. Watson
16 and based on your expertise in the field of hallucinogenic
17 drugs whether or not Mr. Watson at the time of these seven
18 murders knew and understood that it was wrong to murder these
19 victims?

20 A Yes, I have an opinion on that.

21 Q And what is your opinion?

22 A That he did know it was wrong.

23 Q On what factors do you base that opinion?

24 A The sequence of events that I just summarized;
25 in addition to showing that he was aware of the nature and
26 quality of his actions, seems to me to clearly indicate an
27 awareness that it was wrong, that society considered it wrong,
28 that he would be punished if detected, and a whole series of

1 steps to take as precautionary measures in order to attempt
2 to prevent him being found out and any action taken by
3 society; so, the careful manner and the attempts to eliminate
4 the weapons, wash off blood, wipe off fingerprints, make sure
5 that nobody survived to report on it, all of these things
6 together certainly indicate to me an awareness on his part
7 that it was wrong.

#12

1 Q In your opinion do you feel that Mr. Watson had
2 a diseased or deranged condition of his mind from drugs or
3 any other cause, which on these two nights of murder made
4 him incapable of knowing or understanding the nature and
5 quality of his acts of murder?

6 A No. I do not believe he had any condition that
7 made him incapable of doing that.

8 Q In your opinion do you feel that Mr. Watson had
9 a diseased or deranged condition of his mind from drugs or
10 any other cause which on these two nights of murder made
11 him incapable of knowing or understanding that it was wrong
12 to commit these acts of murder?

13 A No. I do not think that it made him incapable
14 of knowing it was wrong any more than it made him incapable
15 of the first section that you mentioned, that is of knowing
16 the nature and quality of his actions.

17 He was in a mental condition that made him capable
18 of or left him capable -- he was capable of knowing what he
19 was doing and of knowing that it was wrong.

20 Q So then you do feel, I take it, that he did know
21 what he was doing on these two nights of murder?

22 A I do.

23 Q Does the fact that it was part of Mr. Manson's
24 philosophy that there is no right and there is no wrong in
25 any way change your opinion?

26 A No. It does not change my opinion.

27 Q And would you explain that, if you would?

28 A Yes. Excepting that that was part of Manson's

1 philosophy, and that Manson sought to communicate that to
2 Watson, I feel there is ample evidence, particularly the
3 things I specified, that he made an independent, autonomous
4 decision himself and carried out a series of deliberated,
5 planned steps to eventuate in these killings.

6 So that his own awareness was present, as
7 evidenced by these many things, despite what Manson may or
8 may not have told him, his own awareness that what he was
9 doing was wrong and certainly ample evidence that he knew what
10 he was doing.

11 Q At the time of the seven murders, do you feel
12 that Mr. Watson knew that he would be punished if he was
13 caught?

14 A Yes, I do think so.

15 Q Do you feel that Mr. Watson was acting as a robot
16 on these two nights of murder? I asked you that before and
17 I apologize to you, but I would like to get your opinion once
18 again on that.

19 A I do not feel he was acting like a robot because
20 acting like a robot is a very mechanical kind of concept where
21 you would not be able, as I understand the concept of a robot,
22 you would not be able to take care of unforeseen contingencies,
23 deal with all the complex steps that I have described that
24 were involved in planning and carrying out the killings and
25 then attempting to avoid detection thereafter.

26 A robot concept would not bear upon that because
27 the person at the most would be able to carry out a specific
28 act, but would not pay any attention to the consequences of

1 it, would not be able to do all of these complicated things
2 that I have described.

3 Q Doctor, do you feel that Mr. Watson could maturely
4 and meaningfully premeditate, deliberate and reflect upon
5 the gravity of his contemplated acts of murder and yet be
6 incapable of knowing or understanding that his acts were
7 wrong?

8 A No. If he can maturely and meaningfully reflect
9 upon them, then I think it follows that he would know that
10 they were wrong.

11 Q Doctor, in your opinion, does maturely and
12 meaningfully premeditate, deliberate, and reflect require a
13 higher mental capability than just knowing or understanding
14 that it was wrong to kill these victims?

15 A Yes. It does require a higher mental capability.

16 Q As you know, Doctor, to constitute a deliberate
17 and premeditated killing, the slayer must weigh and consider
18 the question of killing and the reasons for and against such
19 a choice, and having in mind the consequences, he decides to
20 and does kill.

21 Doctor, in your opinion, does this require a
22 higher mental capability than just knowing and understanding
23 the nature and quality of the contemplated acts or murder?

24 A Yes, it does require a higher capability.

25 Q In your opinion for a person to have in mind the
26 consequences of his criminal acts, both to himself and his
27 victims, does he have to realize that what he is doing was
28 wrong?

1 A Yes, he would have to realize that what he was
2 doing was wrong.

3 MR. KAY: I have no further questions.
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CROSS-EXAMINATION

BY MR. SUBRICK:

Q Dr. Fort, how many times have you testified in connection with the 40 examinations that you made of sanity?

A I'd say roughly about 30 times, Mr. Subrick.

Q Now, as I understand it, a lot of the reasons that you give for believing that Mr. Watson was not -- did not have a diseased or deranged mind is because of some of the information or the information that you got from Linda Kasabian's version of what happened; is that correct?

A In part, that is, as well as other sources.

Q Now, for what reason do you believe that Linda Kasabian's testimony is necessarily true?

A Well, the truth of what anybody says is best checked through as many independent sources of information as you can find and checked in terms, secondly, of internal consistency; that is, how everything hangs together and whether there are any contradictions, where one thing is contradicted by another; so I took all of that into account, not only what Mr. Watson told me and the consistency of that with other facts, also what Miss Kasabian said and what Susan Atkins had said and the other testimony that I indicated in the first phase of this trial that I had read and considered.

Q But you knew that whatever Susan Atkins originally said, she recanted later on, did you not?

A Yes.

Q Said it was not true.

A Yes.

1 Q Now, I take it that you, yourself, never talked to
2 Linda Kasabian; you never talked to her face to face?

3 A I have not talked with her.

4 Q So the only impressions you get of her testimony
5 is by virtue of what you read; is that correct?

6 A That's correct.

7 Q Is there any outer manifestation of insanity,
8 Dr. Fort, on a person who is insane; that is, if you saw
9 him walking down the street would there be any telltale signs
10 of insanity?

11 A Not consistently. In some instances there might
12 be; in other instances it is entirely possible that there would
13 not be.

14 That is, under direct observation you could not
15 tell, you'd have to judge it by behavior or by statements made
16 by that person.

17 Q In other words, a lot of people who suffer from
18 monomanias, where they are insane in one particular area, is
19 that true -- do you find that to be true in your experience --

20 A No.

21 Q -- that they are --

22 A That is very rare.

23 Q -- that they are insane in all areas?

24 A First of all, insanity, as you know, is not a
25 medical or psychiatric concept. There are certainly people who
26 have fewer symptoms of, say, schizophrenia, one of the most
27 severe mental illnesses; that is, have fewer hallucinations
28 or delusions than other people, but it is extremely rare that

1 it would be restricted to one tiny component of their life
2 or behavior.

3 Q As I understand it, you found that Watson was
4 not delusional in any areas; is that correct?

5 A That's correct.

6 Q You didn't feel that his association with Manson
7 and the Manson philosophy caused any delusions in Mr. Watson?

8 A That's correct.

9 Q Are you familiar with the psychiatric relationship
10 or phenomenon, if you might call it that, of folie a deux?

11 A Yes, I am.

12 Q And knowing what you know about the relationship
13 of Manson and Watson, did you find that present?

14 A I did not find it present.

15 Q In other words, you found there was no psychotic
16 relationship or bizarre relationship between Manson and Watson
17 so far as the folie a deux philosophy or theory is concerned?

18 A You lumped several different things there together.
19 I certainly feel there was a bizarre relationship between Manson
20 and Watson, but I did not feel there was a psychotic, delusional
21 relationship.

22 Q Am I right in assuming that the definition of a
23 folie a deux is the transmission of a psychotic and/or bizarre
24 philosophy from one person to another?

25 A More than that, it is where the second person
26 follows approximately the identical pattern of behavior and
27 thinking of the first person.

28 Q And so you did not find that present as between

1 Manson and Watson?

2 A No, I found that Watson carried out his behavior
3 independently and in the manner that I have already summarized.

4 Q And would you say quite independent of Manson?

5 A Significantly independently; not totally
6 independently.

7 Q And you think that was evidenced by the fact that
8 he entered the house in the manner described by Linda Kasabian?

9 A That was one of the factors I took into account,
10 of many; no one factor by itself led me to my conclusion.

11 Q And the killing of the Parent boy as described by
12 Linda Kasabian?

13 A As described by Mr. Watson, himself, to me directly.
14 I took that more heavily into account than other sources of
15 information.

16 Q What was there about Mr. Watson's narration of the
17 killing of the Parent boy that weighed heavily with you?

18 A Now he noticed the car coming, recognized the
19 importance in terms of his plan to stop the car and stop the
20 driver of the car, had it pull over, deliberately shot him
21 several times -- I believe it was four times in the head --
22 and then moved the car to a place where it would not be seen
23 by anybody else.

24 Q Well, would it have been inconsistent for Mr. Watson
25 to have acted as he did if he went there with orders to kill
26 everybody he found within the Tate residence?

27 A Yes, that would be inconsistent because to kill
28 everybody does not necessarily mean that you have to hide the

1 fact that you killed everybody.

2 Q What did he hide here? He left the car out in the
3 open, did he not?

4 A He described to me moving the car. I've personally
5 not seen the spot, so I do not know how hidden it was.

6 Q He told you that he personally moved the car?

7 A Yes.

8 Q I take it you took longhand notes; is that correct?

9 A That's correct.

10 Q You never recorded any of this conversation, did
11 you?

12 A I did not.

13 Q And you are sure it was not Linda Kasabian who said
14 the car was moved?

15 A I have never talked with her, so she couldn't have
16 said that to me.

17 Q Or read her testimony in the transcript?

18 A I am sure that Watson, himself, told me about stopping
19 the car and shooting the person, Mr. Parent; and then at least
20 slightly -- at least, a short distance, moving the car.

21 I did not ask him about how far he moved it or where
22 exactly he placed it.

23 Q And it is your testimony that he said he did that?

24 A Yes.

25 Q He did the moving; and did he tell you, also, that
26 he was concerned about the knife that was lost in the house,
27 or did Linda Kasabian tell you that?

28 A No, he did not tell me that.

1 Q That was Linda's version; is that correct?

2 A Yes.

3 Q And wiping the prints off of the weapons, that was
4 also Miss Kasabian's version of what happened, was it not?

5 A That's correct.

6 Q And washing blood off of them, that was also Linda
7 Kasabian's version, was it not?

8 A No, that one Mr. Watson also described to me,
9 though not in those words. He described to me using a hose
10 at the side of a house and washing himself off; he did not
11 say he was washing off blood, he just described washing himself
12 off.

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1 Q If these had all been instructions given to him
2 prior to the time he went out on the venture, would that have
3 been inconsistent with his state of mind as you found it to be?

4 A Not necessarily. It would depend on specific
5 things. There might be some things I would have to agree were
6 inconsistent, but not in the general way you state it.

7 I would say it would not necessarily be inconsis-
8 tent if some of these things had been specific instructions
9 from Manson.

10 Q In other words, if he had been told to do what he
11 did, you still feel that that would not be evidence of any
12 degree of insanity or delusional behavior on his part?

13 A Well, delusional behavior simply refers to a
14 false belief which may or may not be correlated with insanity.

15 One is a legal concept; the other is a medical or
16 psychiatric concept.

17 If you are asking me if Watson was told that at a
18 certain time of night, after traveling a certain road a
19 certain distance, he should stop and use a hose to wash off
20 the blood accumulated after killings, then that certainly would
21 affect my opinion, if you have evidence to that effect.

22 Q Well, do you have any evidence that it was not
23 Miss Kasabian who said, "Stop the car and let's wash off"?

24 A Yes. Mr. Watson again told me that he himself
25 said we have to wash ourselves off and he recounted to me the
26 use of that hose, as I described, so it is my opinion -- my
27 opinion on that is not based on Miss Kasabian.

28 Q You mean Watson told you that it was his suggestion

1 that the car stop and that they wash off?

2 A He told me that he felt it necessary to wash
3 himself off and that they, that is the total group, stopped
4 to do so.

5 He did not tell me or admit that he ordered that
6 the car be stopped.

7 Q In other words, you are telling us that Watson
8 told you that he did participate in the washing of himself with
9 the water hose, is that correct, after the car stopped?

10 A And more than that, that he felt it necessary to
11 wash himself off and to change his clothes.

12 Q Did you ask him why he felt it necessary to do that?

13 A Yes.

14 Q What did he say?

15 A That they were covered with blood.

16 Q Well, did he tell you that Manson had suggested to
17 him or told him to make sure that they were clean?

18 A He specifically told me that the only thing Manson
19 told him was to go there and kill everybody there, not to leave
20 anybody alive and he, therefore, specifically communicated
21 to me that Manson did not give him any detailed instructions
22 beyond that.

23 Q Well, did you ever ask him whether he had got any
24 detailed instructions?

25 A I certainly did.

26 Q And he denied getting any detailed instructions;
27 is that correct?

28 A He said all he remembered was being told to go

1 there and make sure nobody was left alive.

2 Q That is all he remembered; is that correct?

3 A Of the instructions, that is right.

4 Q Did that imply that there might have been other
5 instructions that he no longer remembered?

6 A No. This was in a context where he was speaking
7 very freely and clearly to me and was having no difficulty
8 remembering any of the other things I talked to him about.
9 So my impression was that this was all that Manson had told
10 him.

11 Q Dr. Felt, do you think there is any difference,
12 or do you draw any difference between the fear of being
13 apprehended and the fear of being punished as it related to
14 Mr. Watson and Manson and the group?

15 A I would see it frankly as a fine distinction. I
16 see them as closely related.

17 That apprehension would tend to imply to somebody
18 punishment and the punishment might vary in their mind from
19 embarrassment, in one setting, to, of course, more severe kinds
20 of punishment, such as imprisonment or the death penalty.

21 Q And you think he thought that far advanced and
22 agreed to go ahead or figured he would go ahead anyway?

23 A I think he thought far enough in advance to recognize
24 the possibility of being detected in murder and to want to
25 prevent that possibility.

26 I have no knowledge that he thought in advance
27 about the specific possibility of the death penalty.

28 Q Could it be possible that he was concerned about

1 being arrested because that would lead to the termination of
2 the grand scheme that Manson had?

3 A It is possible that his fear of arrest could be
4 based on something else in addition to this.

5 Q In other words, if he was arrested, they might
6 conceivably get back to Manson and if they did that, why, this
7 whole grand scheme that Manson had outlined for them, involving
8 helter skelter and everything else, would just come to an
9 abrupt end?

10 A Well, if that were indeed involved in his thinking,
11 that would certainly show considerable ability to plan and to
12 be aware of what was happening and to know what was wrong and
13 what was right.

14 Q That would be Manson's feeling, though, would it
15 not be? Manson's philosophy?

16 A No. In the instance you described, it would be
17 Watson who was demonstrating his awareness and knowledge of
18 that.

19 Q In other words, if Manson told Watson, "No matter
20 what you do, make sure you are not arrested," that that is
21 Manson's thinking -- I mean that is Watson's thinking?

22 MR. BUGLIOSI: I object to that. It is a hypothetical
23 question. There is no evidence that Manson told Watson that.
24 It is hypothetical, not predicated on any facts. No evidence
25 that Manson told Watson to make sure you are not arrested.

26 THE COURT: Sustained.

27 Q BY MR. HERRICK: Is it conceivable, Doctor, in your
28 background that the fear of arrest could be based on something

1 other than punishment?

2 A By punishment you mean imprisonment?

3 Q Any sort of punishment by the legal authorities.

4 A Yes, it is conceivable. For example, family
5 embarrassment would be one reason why somebody might fear
6 arrest, but in general it would be based upon a fear of
7 imprisonment, rather than a more limited, more specific kind
8 of fear.

9 Q Knowing what you know about the case and all the
10 people involved, Doctor, do you have any thoughts about whether
11 or not the fear might be the apprehension or the arrest of Mr.
12 Manson?

13 A Yes, I have thoughts on that.

14 I do not think that that was a significant factor
15 because Watson described to me having some doubts about the
16 rightness of Mr. Manson's philosophy and I did not get the
17 impression at all that he felt completely identified with it,
18 although obviously he had been very influenced by it.

19 Q Was that a rightness at the time you were inter-
20 viewing him or rightness at the time he was a member of the
21 family?

22 A Well, I am speaking now mainly about my impression
23 of his mental state at the time of the killings, which he
24 recounted to me at the time I interviewed him.

25 Q And you think even at that time, based on your
26 two-hour interview with him, that he had some doubts about the
27 Manson philosophy?

28 A Some doubts, yes, in the sense that he was unsure

1 as to whether he totally agreed with Manson on everything.
2 That to me means some doubts.

3 Q Yet you feel he meaningfully and maturely
4 reflected on the consequences of his acts and still went out
5 and did them?

6 A Yes.

7 Q Because he wanted to do them; is that right?

8 A He thought that that was desirable and important
9 and he was influenced by Manson, but also made his own
10 independent decision to do that.

11 Q If he thought that that was desirable and meaningful,
12 then he was out of contact with reality as we know it, was he
13 not?

14 A Well, he certainly would be behaving in a
15 completely different way than I would or than most people would,
16 fortunately, but that doesn't mean that in the legal concept
17 or even the psychiatric concept he was entirely out of contact
18 with reality.

19 Q He believed what he was doing was right, did he
20 not, at the time of the killings?

21 A No. I think he believed they were wrong or he
22 wouldn't have taken all of these steps to avoid exposure,
23 detection, and imprisonment.

24 Q Why do you suggest he did them then?

25 A Well, it is a complicated question to answer.
26 I think he did them through a culmination of his
27 psychological weaknesses, deficiencies in his family upbringing,
28 basically passive dependent personality.

1 Q And drugs perhaps?

2 A As I have indicated before certainly his heavy
3 use of drugs did have some influence on it. The social
4 isolation --

5 Q I am sorry. I didn't mean to interrupt.

6 A The social isolation that he experienced, the
7 influence of Manson and the peer group influences present at
8 the Spahn Ranch, and his own belief that this was not either
9 a desirable thing to do or at least not undesirable in the
10 way most people would think of it, but he certainly was aware,
11 so far as I am concerned, that it was considered wrong by
12 society, that is by definition was wrong, and he certainly
13 knew what he was doing for the reasons I have described.

14 Q Well, irrespective of whether he knew thought it
15 was wrong by society, do you have an opinion as to whether
16 or not he thought it was right for him?

17 A Yes, I have an opinion on that.

18 Q What is that?

19 A I don't even think he thought it was right for him.

20 Q Doctor, would you suggest why he did it then? If
21 I may repeat that question again.

22 A Well, part of what I am saying is that no one has
23 a complete understanding of even a normal human being, let
24 alone of a killer, and I certainly do not pretend to have a
25 complete knowledge of why he did it.

26 I believe that when you attempt to explain behavior,
27 you have to allow for a variety of things interacting with each
28 other and it is not any one simple thing that leads somebody to

1 being a killer, and all the things I described, I think, played
2 some role in this.

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1 Q In other words, he might be sicker than even
2 you could imagine him to be; is that correct?

3 A Well, in one definition of the word "sick," I
4 think it would be fair to describe anybody who kills other
5 human beings as sick; but in terms of ordinary psychiatric
6 diagnoses, he did not show any psychosis or any severe form
7 of mental illness; and in terms of legal standards he does
8 not show insanity and was not insane at the time of the
9 killings.

10 Q Well, people don't normally do things they don't
11 want to do or don't believe are right, do they, Dr. Fort?

12 A Sometimes.

13 Q Well, even to the degree of killing?

14 A Yes.

15 Q You mean people kill just because they want to
16 kill?

17 A Again, I would say that I am not suggesting there
18 is one simple explanation such as that, and that would not be
19 a meaningful explanation to me to say that it is just because
20 he wants to kill; but I think the circumstances, the weakness,
21 psychologically, the family life, the environmental influences,
22 particularly as they existed in the Manson family, the
23 effect of his past use of drugs prior to the killing, I think
24 all these things interacted to produce the killing; but you
25 cannot say it was any one thing, alone.

26 Q Well, I think, Doctor, if I understand some of
27 what you said and have written, that you use LSD long enough
28 you may establish an entirely new social value or value system

1 or value basis, if I may use that expression; is that correct?

2 A It is in part correct. You also read and heard
3 me say that the main ingredient of that is what you already
4 are as a person, your already existing character structure,
5 attitude, mood, et cetera, which the drug interacts with; so
6 it is the drug plus the foundation of yourself and plus the
7 setting or environment in which you use the drug.

8 Q I understand and appreciate all of that, Doctor.
9 Is there any question in your mind but that Watson
10 was the kind of personality that the drugs would affect?

11 A Well, LSD is a potent enough drug that to some
12 extent it would affect anybody who uses more than a minimal
13 dosage.

14 I think what you are getting at is -- I would
15 agree that he would be a more susceptible kind of person to
16 these effects than a lot of other people would be.

17 Q All right, and knowing his personality structure
18 as you do, would it be illogical to assume that he adopted an
19 entirely different set of values in the Manson family than he
20 had as a teenager?

21 A Yes, it is my belief that one of the reasons this
22 happened is that he had no clearly established or thought out
23 set of values to start with, that he was searching, he was
24 insecure, a basically weak person and the environmental
25 situation I have described and the use of LSD type drugs, in
26 a sense, played upon that weakness and did create a value
27 structure, but not completely replace one. As I see it, there
28 probably wasn't much of one there to start with.

1 Q So that whatever he had was, in effect, Manson;
2 isn't that right?

3 A No.

4 Q Or somebody that had been superimposed on what
5 little he had to start with?

6 A In combination with what he already was; I didn't
7 say he wasn't nothing, I said he didn't have a clearly
8 established value system, in my estimation. That is one
9 factor; the influence of Manson and the other members of the
10 family is a factor, the chronic use of LSD type drugs and of
11 amphetamines is a factor, the social isolation is a factor,
12 no one of them, alone.

13 Q Well, at the time of the murders, Doctor, can you
14 tell us whether you think he was operating on the value
15 structure that he got from Manson or the unidentifiable or
16 unclear one you think he had when he joined the family?

17 A A combination.

18 Again, what he was on the night of the killings
19 is a combination of what he was, how he had been as he grew
20 up and developed, all the family influences, the school
21 influences, et cetera.

22 In other words, his own personality and character
23 in part influenced by his experiences with Manson and the other
24 family members.

25 Q Is there any one force that you say, that you
26 could say was more dominant than the other at the time of the
27 killings?

28 A Well, in some sense his mother was the most

1 dominant force in his life; that's why I stressed the family
2 background.

3 Q You are not suggesting that she drove him to
4 murder?

5 A No, no more than I am suggesting that Manson did.

6 Q You think that the Manson philosophy and every-
7 thing that went with it was relatively insignificant as far as
8 the killings were concerned?

9 A No, not insignificant, but less significant than
10 these -- certainly, very important, but not sufficiently
11 important to explain the thing.

12 Q Were they more important than whatever relationship
13 existed between Watson and his mother, for example, as a
14 teenager?

15 A No, I would say 15 years of relationship with a
16 mother and/or father or both is bound to have more of an
17 impact on a person than some months of a relationship with
18 somebody else, even under the circumstances that we are talking
19 about.

20 Q What can you see in the relationship between
21 Watson, his mother and father that led to the nights of
22 murder?

23 MR. BUGLIOSI: Your Honor, I believe this might be
24 irrelevant now. We are dealing with the narrow issue of
25 insanity and this seems to be going into the genesis of how
26 he developed the way he did. I think it is irrelevant.

27 THE COURT: Well, I will permit the doctor to answer.

28 THE WITNESS: His mother was a very strong, dominant

1 individual, as he described her and as she is described in
2 other evidence that was available.

3 She over-protected him; in many cases he grew up
4 extremely immature and infantile; his father appears to have
5 been withdrawn, to have worked very long hours, to have
6 played a relatively unimportant role in his development; so,
7 a child growing up with an overly-protective, dominant mother
8 and a weak or absent father frequently -- certainly not always
9 -- but frequently tends to develop in the way Watson did
10 develop, as a passive dependent person, immature, and very
11 susceptible because of a lack of value structure and a sense
12 of an inner directedness -- or, it could be called other
13 things -- but, in any case, he would be more susceptible to
14 other kinds of influences because, particularly, of the role
15 his mother and father played, in one way or another.

16 Q BY MR. DUBRICK: And that other influence might
17 be Manson and his philosophy; is that correct?

18 A Certainly.

19 Q Well, in accepting Manson and his philosophy
20 wouldn't that, of necessity, mean he would have to subjugate
21 whatever value he had from his mother and father?

22 A Well, you see, it is not an all or none kind of
23 thing. That is what I tried to stress, you don't completely
24 replace past values; you are at any given moment in time a
25 combination of what you grew up to be through the influences
26 of your family life, your school, your religion, other
27 institutions or forces that help people or sometimes fail to
28 help them as they develop; and then a significant event or

1 influence at some later stage in life operates on that
2 foundation and certainly may influence it, but it does not in
3 any way totally replace it or supplant it.

4 Q Even though he had lived with the family better
5 than a year and apparently had been taking all sorts of drugs
6 for more than a year?

7 A Again, I would say that I see these things as
8 significant, I have so stated, but I do not see them as
9 being more important than the past influences.

10 Q I think you told us, in effect, that he was not
11 incapable of knowing that his acts were wrong; is that correct?

12 A No, I said, to put it in clearer language, that
13 he was capable of knowing his acts were wrong, did know that
14 they were wrong.

15 Q And that's because, you say, of the basic
16 relationship between himself and his family?

17 A No, it is because of all the reasons I recited.

18 Q These acts of driving and avoiding detection and
19 all the rest?

20 A That's right, that show planning and awareness of
21 what was happening and an awareness that it was wrong and if
22 caught he would be punished.

23 MR. BUBRICK: I have nothing further.

24 MR. KAY: May I approach the witness a minute off the
25 record and ask him a question?

26 THE COURT: Go ahead.
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28

#16

1 MR. KAY: No further questions.

2 MR. BUBRICK: May I ask the doctor just a couple more
3 questions on cross-examination, please?

4 THE COURT: Go ahead.

5 Q BY MR. BUBRICK: You have had a chance to examine
6 your report this afternoon or prior to taking the witness stand
7 today?

8 A I have had a chance but I haven't. I haven't
9 looked at it for some time.

10 Q Do you have it well enough in mind perhaps to
11 reflect on it or would you like a chance to skim through it
12 again?

13 A No. I think I could reflect on it.

14 Q Do you recall whether you ever mentioned in your
15 report that Watson was the one who suggested stopping at the
16 Weber house and washing off?

17 A I don't think I did mention it and I believe I
18 did say in testifying here that he did not specifically say
19 "stop here" but rather he described to me participating in
20 washing off his hands and in the decision that that should be
21 done, but I did not say, as I recall, that he said, "Stop the
22 car here." That is that he told me that.

23 Q The decision to do whatever you are talking about
24 is the decision to wash at the water hose; is that correct?

25 A That is the one I am talking about.

26 Q Rather than to stop the car or the decision to
27 stop at the Weber house in and of itself.

28 A Watson did not tell me that.

1 Q Do you remember whether or not your report made
2 any mention of the fact that it was Watson who pushed the
3 Parent boy's car any distance at all?

4 A I think it describes his killing of the Parent
5 boy but I don't think the report did describe the pushing of
6 the car.

7 Q But you think he did tell you that?

8 A I don't recall that he told me the word "push."

9 I do recall his telling me about his participating
10 in moving the car. I don't recall whether he said he did
11 it entirely by himself or with help, but definitely that he
12 told me about being involved in moving the car to another
13 location.

14 Q Did he tell you the car was on an incline?

15 A No, and I didn't ask him that.

16 Q Did you ask him whether the car rolled back on its
17 own motion?

18 A No. I did not ask him that.

19 Q Now, you also told us, I believe, that you thought
20 that Watson was not particularly affected by Manson or even
21 had some doubts about Manson's philosophy at the time that the
22 killings took place; is that correct?

23 A I did not say that he was not affected by Manson.

24 I believe he was affected, but along with all
25 the other things, and to a lesser extent than the other things
26 influenced him.

27 Q I thought you told us a little while ago that he
28 had some doubts about the Manson philosophy.

1 A I did say that also.

2 Q Does that appear anywhere in your report, Doctor?

3 A Yes.

4 Q Would you like to see the report?

5 A Are you talking solely about the night of the
6 killings or are you talking about later on?

7 Q No. I am talking about the night of the killings,
8 which I understand you were talking about.

9 A I was talking about both things in my report. As
10 I recall I mentioned at the time of my interview with him he
11 expressed doubts about Manson's philosophy. Also in talking
12 with him about the events of the killings, I had the impression
13 that he even then had some mixed feelings because he described
14 to me a sequence of events, that at one point he went to live
15 elsewhere, moved away from the ranch, had reservations. I
16 think that was some months before the killing -- reservations
17 about Manson and his family and he described to me that he had
18 some doubts periodically, but that his main doubts occurred,
19 or the doubts were intensified after the killings at the time
20 he went to Texas.

21 I think the only one of those that I commented on
22 was his feeling about Manson's philosophy at the time I
23 interviewed him.

24 Q Didn't he tell you -- I am quoting from the report
25 -- "Everything seemed perfect to him so that when Manson told
26 him to kill the people, there was no thought, no hesitation
27 and nothing there to say it was wrong or don't do it,"

28 That would reflect on his relationship with Manson

1 at the time of the killing; is that correct?

2 A He did tell me that. He told me both things and
3 that is part of what I stressed earlier that what you have to
4 look for is the consistency throughout of a particular
5 individual's statements as well as their consistency with
6 other people's statements.

7 Q Can you find anything in the report from which you
8 can conclude that he told you that he was a little doubtful
9 about Manson's philosophy at the time of the killings?

10 A It is my recollection that in the report I
11 mentioned his moving away from the ranch at one time.

12 Q When was that? Do you have any idea of the period
13 of time that you are talking about?

14 A My recollection is it was months before the
15 killings. I don't remember how many months.

16 Q You mean when he left the ranch and he came into
17 Los Angeles?

18 A That is what I am talking about and I think I
19 mentioned that in my report and that was described by Watson
20 as due to some doubts about Manson's philosophy.

21 Q And that was about eight months prior to the time
22 of the killings?

23 A It may have been.

24 Q And you think that nevertheless carried over
25 until the following August when the killings were completed
26 or accomplished?

27 A I am saying that he described to me some wavering
28 throughout this period.

1 It was never as great as at the time he went away
2 to live in Los Angeles, but again it is not an all or none
3 kind of phenomenon. It was not a total commitment and
4 dedication to it, but it was a basic commitment to it, which
5 wavered at times, waxed and waned in terms of its intensity.

6 Q Did he tell you that he wavered about his feelings
7 toward Manson at any time other than when he left the ranch
8 and lived in Los Angeles for a little while?

9 A Yes.

10 Q When was that?

11 A As I have just described, that he indicated
12 changes in his feelings toward Manson throughout the time he
13 was at the ranch, although most of the time it was very posi-
14 tive.

15 I don't mean to say that he told me there were
16 day
changes, to day, or even week to week, but he described to me
17 a process of changing his identification with Manson, or how
18 he felt toward the total philosophy.

19 So that it might move from one point up here to a
20 point down here, but never from zero to a total commitment.

21 Q Well, after he left and came back to Los Angeles
22 and then went back to Manson, wouldn't that indicate or
23 evidence a commitment again to the Manson philosophy?

24 A Yes. It evidences this waxing and waning process
25 that I am talking about. Certainly it would mean at that point
26 he felt a greater commitment to it than he had at the time he
27 went to Los Angeles.

28 Q And if he stayed with the family from the time he

1 returned until the time of the murders, it would certainly
2 again evidence a total commitment to Manson.

3 A Not a total commitment -- certainly, a major
4 commitment and perhaps a feeling that there was no other
5 resource, no place he could turn at that point, but I don't
6 see it as an all or none thing. I guess that is where we are
7 differing.

8 Q Well, if he didn't see this as an all or none
9 thing, isn't it possible that he would have again left the
10 ranch?

11 A It would be possible, yes.

12 Q And the fact that he didn't, knowing that at one
13 time he felt disenchanted, would be evidence of the fact that
14 he now felt that the Manson way of life was the way of life
15 for him.

16 A It was evidence to me that he certainly felt that
17 this was the best of the options available to him, that he
18 felt enough of a positive identification with it and at the
19 same time a lack of other alternatives, so that he decided to
20 stay on, but it does not mean a total commitment.

21 Q If the positive factors were outweighing any
22 negative factors, assuming that there were any negative
23 factors, it certainly would evidence the desire on his part
24 to be associated with Manson and the Manson type philosophy,
25 would it not?

26 A Yes.

27 Q And it would certainly evidence a belief that that
28 was a way of life for him?

1 A Either a belief or could involve a combination of
2 fear also.

3 Q Fear of what?

4 A He might be afraid of things ranging from a loss
5 of, let's say, friendship, as he interpreted it, to more
6 serious things.

7 Q And do you think that one would kill just out of
8 friendship in order to retain a friendship?

9 A No. I didn't understand that that is what you were
10 talking about at this point. I thought you were talking about
11 his identification with Manson.

12 Q I was, and I was assuming that one of the
13 relationships you are talking about is friendship, which would
14 keep him with the Manson family.

15 A That would be one factor, sure, but I don't think
16 that he did kill as a result of that. That would again only
17 be a part of, a component of all the reasons why he killed.

18 Q And the reasons that he killed, of course, are
19 those that you have just described for us, as you felt them?

20 A No. I said first of all I do not pretend to know
21 all the reasons why he killed, but among the important ones
22 that I can think of were the ones that I described.

23 Q And you think that, in and of itself, doesn't
24 reflect any derangement of the mind or diseased thinking of
25 the mind?

26 A Well, by ordinary layman's standards, certainly
27 it reflects bizarreness and strangeness, but in psychiatric
28 language, or psychiatric terminology, killing by itself is not

1 the equivalent of having a psychiatric diagnosis. Most people
2 who kill do not fit into the psychotic category in terms of
3 psychiatric diagnosis.

4 Q Have you ever known of another situation where a
5 murder was committed under the circumstances of the Watson-
6 Manson relationship?

7 A Just circumstances that had similarities, but
8 never anything identical.

9 Q As a matter of fact, I think you told us you had
10 never before experienced a commune such as Manson ran.

11 A No, I didn't say that. I said I had experienced
12 a number of communes that had similarities to this but
13 certainly this one is unique in a very destructive kind of way.

14 I know other communes that are unique in other
15 kinds of ways, but there are certain common aspects to
16 communal living.

17 MR. BUBRICK: I have nothing further.

18 MR. KAY: No further questions.

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

20 THE WITNESS: Thank you, sir.

21 MR. KAY: I guess there are no further witnesses this
22 afternoon for either side.

23 THE COURT: All right. You have them lined up for Monday
24 morning?

25 MR. BUBRICK: Yes, your Honor. I fully expect we will
26 be able to proceed with the balance of our witnesses Monday.

27 THE COURT: Thank you, Doctor. You may step down.

28 Ladies and gentlemen of the jury, we will recess

1 at this time until 9:30 Monday morning.

2 Once again do not form or express any opinion
3 concerning this phase of the case.

4 Do not discuss it among yourselves or with
5 anybody else and please at this phase of the case keep your
6 minds open. Thank you and have a nice weekend.

7 (At 2:30 p.m. a recess was taken until Monday,
8 October 18, 1971 at 9:30 a.m.)

#1

1 LOS ANGELES, CALIFORNIA, MONDAY, OCTOBER 18, 1971; 9:35 A.M.

2
3
4 THE COURT: Good morning.

5 THE JURORS: Good morning.

6 MR. KAY: Good morning, your Honor.

7 THE COURT: Gentlemen.

8 People against Watson.

9 Let the record show all jurors and counsel and
10 defendant are present.

11 Mr. Bubrick, you may proceed.

12 MR. BUBRICK: Dr. Tweed, please.

13
14 ANDRE R. TWEED,

15 recalled as a witness on behalf of the defendant, having been
16 previously duly sworn, testified further as follows:

17 THE CLERK: You have been previously sworn.

18 Would you be seated, Doctor, and restate your
19 name for the record?

20 THE WITNESS: Andre R. Tweed.

21 THE CLERK: Thank you.

22
23 DIRECT EXAMINATION

24 BY MR. BUBRICK:

25 Q Dr. Tweed, without restating your qualifications
26 and experiences in this field again, will you tell the jury,
27 please, when it was that you examined Mr. Watson, again?

28 A I examined Mr. Watson on the 4th of June, the 6th

1 of June and the 14th of June, for a total of 8 hours.

2 Q Did you record your conversations with Mr. Watson?

3 A Yes, I did.

4 Q And the greatest portion of that was tape recorded;
5 is that correct?

6 A Yes, most of it was tape recorded.

7 Q And then reduced to transcript form?

8 A It was reduced to a report and then I also had a
9 report made verbatim of what was recorded.

10 Q Did you in your examination of Mr. Watson, Dr.
11 Tweed, direct your attention to the issue of whether or not
12 he was sane or insane at the time these crimes were committed?

13 A Yes, I did.

14 Q Now, as a result of that examination, Dr. Tweed,
15 did you form an opinion as to whether or not the defendant was
16 capable of knowing or understanding the nature and quality of
17 his act?

18 A Yes, I did form an opinion.

19 Q And did you also form an opinion as to whether
20 or not the defendant was incapable of knowing or understanding
21 that his act was wrong?

22 A Yes, I did.

#2

1 Q In formulating those opinions, Dr. Tweed, were
2 you mindful of the basic philosophy of Mr. Manson so far as
3 it affected this defendant?

4 A Yes, I was.

5 Q Were you also mindful of the lectures about
6 killing that Mr. Manson had instilled on the defendant?

7 A Yes.

8 Q And were you mindful of the descriptions of the
9 acts of killing as outlined by Mr. Watson with Mr. Manson as
10 the head?

11 A Yes, I was.

12 Q And were you mindful also of this delusional world
13 that you talked about with him?

14 A Yes, I was.

15 Q As a result of all of these things, will you tell
16 us what your opinion was with respect to whether or not this
17 defendant was capable of knowing or understanding the nature
18 and quality of his acts?

19 THE COURT: Before you do that -- the time.

20 Q BY MR. RUBRICK: -- at the time of the Tate-La
21 Bianca killings. If I may use that all-inclusive phrase.

22 A Yes. It was my opinion that he did not have the
23 mental capacity at the time of the commission of the alleged
24 offenses to form the opinion to commit them.

25 Q Do you have an opinion as to whether or not the
26 defendant knew his acts were wrong?

27 A Yes, I do have an opinion.

28 Q And what is that?

1 A That at the particular time that he was not aware
2 that they were wrong in the sense that we know things are
3 wrong. This was based upon my belief that at that particular
4 time he was so brainwashed by the information that was given
5 to him and his use of drugs that he was unable to really know
6 the difference.

7 Q Now, you have also indicated that you did not feel
8 that the defendant knew or understood the nature or quality
9 of his acts; is that correct?

10 A Yes.

11 Q And what was that opinion based on?

12 A It was based upon similar information that I had
13 and my evaluation and conclusions were the same as the result
14 of his having been so brainwashed in my opinion by Mr. Manson
15 and being under the influence of the chronic effects of the
16 various drugs, which he had used over a long period of time.

17 Q Dr. Tweed, in your opinion is there any correlation
18 between insanity and intelligence?

19 A No.

20 Q Can you amplify that a bit for us, please?

21 A Well, possibly -- there is no correlation between
22 insanity or mental disease and intelligence.

23 Some of the most intelligent people that I have
24 met, have been quite mentally ill, but have been able to
25 function over a long period of time, function throughout a
26 lifetime as long as the particular area where their mental
27 illness is did not cause them to come into conflict with
28 anything that created such a situation that society had to

1 intervene and say, "Well, we have got to put him away."

2 He was able to function that way somewhat
3 marginally. In fact, I have right now a beautiful example
4 of a patient who has been -- I have followed him at monthly
5 intervals -- who has been chronically mentally ill for at
6 least since the beginning of World War II and yet he is able
7 to function on the outside, has his own business, earns upwards
8 of a couple of thousand dollars a month, and he is able to
9 function quite well. Yet he is quite withdrawn and at times
10 in the past few years might become so confused that he cannot
11 find his way home. Yet he has never had to be hospitalized
12 in the past 20 years.

13 There are many other individuals -- I recall
14 seeing a boy who was quite sick and he wound up at Caltech and
15 I am sure he would be able to function quite well and there
16 are many instances of that. It has nothing to do with the
17 intelligence. It has nothing to do with whether or not you
18 are able to function.

1 Q Are insane people incapable of committing --
2 functioning within motor reflex actions?

3 A No, it has nothing to do with that. They are
4 fully capable of functioning within areas that -- in which
5 their mental illness, their mental disorder is not touched
6 upon.

7 Q Specifically, as far as Mr. Watson is concerned,
8 is there any conflict between your finding of insanity, for
9 example, and the ability of Mr. Watson to drive a car, if he
10 did?

11 A No.

12 Q Or to plan or scheme, or things of that nature?

13 A No.

14 Q Are insane people people who are obviously insane;
15 that is, by looking at them can you tell they are insane by
16 looking at them?

17 A No, I think that the difficulty that we have is
18 that the lay person thinks in terms of illness and insanity
19 very often as an individual who is so-called wild, raving
20 maniac, who is quite disturbed and looks crazy and acts crazy,
21 unquote; whereas this is the minority rather than that which
22 usually occurs.

23 Q Would things such as telling one of the occupants
24 of a car to wrap knives up in a cloth and dispose of them if
25 the police should come upon the scene be in conflict with your
26 finding of insanity, assuming that Watson did, in fact, order
27 someone to do that?

28 A No.

1 Q How about an order to wipe the fingerprints off
2 of knives or guns or something of that nature, assuming
3 that Watson did that again; would that be in conflict with
4 your finding of insanity?

5 A No.

6 Q Would an insane person, in your opinion, be unable
7 to plan or direct a movement of people?

8 A No, not necessarily. An insane person could do
9 that on a basis of his delusional structure, his ideas that
10 what he is doing is right at that particular time, so that
11 he could plan and direct activities.

12 Q Did you find Mr. Watson to be delusional at the
13 time you examined him, again keeping in mind that we are
14 concerned with his conduct on the nights of August 8th, 9th
15 and 10th, 1969?

16 A It was my opinion that on these particular
17 occasions he was delusional.

18 Q As a result of his drug use?

19 A As a result of the combination of the drug use
20 and his feelings that that information which was given to him
21 by Mr. Manson was the only way in which he should function and
22 act and that it was right.

23 Q And that he thought it was right?

24 A Yes.

25 Q Do you have an opinion as to whether or not he
26 thought the rest of society thought it was wrong?

27 A Even there, there may be some doubts about whether
28 he actually felt that because he had been so brainwashed into

1 believing that he belonged to a group that was right and that
2 because this group was right that they would overcome and be
3 the only ones remaining after everyone had been destroyed,
4 more or less.

5 Q Do you have an opinion, Dr. Tweed, as a result
6 of your conversations with Mr. Watson, as to whether or not
7 he did, in fact, think about whether his acts were wrong?

8 A In my opinion -- I do have an opinion.

9 Q What is that?

10 A That opinion is that at the time he committed
11 these acts he did not consider that they were wrong.

12 Q You do feel, however, that he thought they were
13 right?

14 A Yes.

15 Q Now, are there any other factors that you took
16 into consideration at the time that you formed your opinion?

17 A It was mainly from my evaluation of him. I did
18 have available other material that I had read at one time or
19 another.

20 Q And did that, the other material, as you call
21 them, play any part in the formation of your opinion?

22 A No, they didn't, because it is my policy to see
23 a person first, make my own evaluation, come to my own conclusions,
24 and then read the other material. I do this because I do not
25 wish to have anybody else's opinions come into my determina-
26 tion, as much as possible to have it my own and not anyone
27 else's.

28 Q And is that what you did in the case involving

1 Mr. Watson?

2 A Yes.

3 MR. BURRICK: I have nothing further, your Honor.

4 THE COURT: Before you cross-examine, may I remind the
5 jury: Remember, we have a stipulation that all testimony
6 heretofore offered on the question of guilt or innocence is
7 to be considered by you in your determination of this
8 defendant's sanity or insanity, without repeating all that
9 testimony.

10 Go ahead, Mr. Kay.

11 MR. KAY: Thank you, your Honor.

12
13 CROSS-EXAMINATION

14 BY MR. KAY:

15 Q Dr. Tweed, what is your understanding of what
16 the test for criminal insanity is in California?

17 A My understanding is that if an individual --

18 Q Well, do you know it without reading it from the
19 court document?

20 A Yes, if the person has sufficient mental capacity
21 to know and understand the act that he is committing is wrong.

22 Q That is your understanding of what the test for
23 criminal insanity is in California?

24 A At that particular --

25 Q At the time of the murders.

26 A -- at the time of the murders, yes.

27 Q Well, Doctor, in fact isn't part of the test that
28 the defendant has to know and understand the nature and

1 quality --

2 A Yes.

3 Q -- of the act?

4 A Yes; know and understand the nature and quality
5 of the act and if he does, whether or not it is wrong.

6 Q And I take it that you feel that Mr. Watson at
7 the time of the murders was incapable of knowing and
8 understanding the nature and quality of his acts of murder?

9 A In the context that he knew that it was a wrong
10 thing to do, yes.

11 MR. BUEBICK: If your Honor please, it may have been
12 an oversight on Mr. Kay's part, but I think the section reads,
13 "...incapable of knowing or understanding," not "knowing and
14 understanding."

15 THE COURT: Well, I don't remember how he read that,
16 but if that is the way it is -- will ^{you} read that, Mr. Kay, please?

17 MR. KAY: Yes; "Legal insanity, as the words are
18 used in these instructions, means a diseased or
19 deranged condition of the mind which makes a
20 person incapable of knowing or understanding the
21 nature and quality of his act or makes a person
22 incapable of knowing or understanding that his
23 act was wrong. However, if you find that the
24 defendant was capable of knowing and understanding
25 the nature and quality of his act and in addition
26 was capable of knowing and understanding that his
27 act was wrong, you will find that he was legally
28 sane."

1 THE COURT: You will accept that as the legal
2 definition of insanity, Doctor.

3 THE WITNESS: Yes.

4 Q BY MR. KAY: Doctor, I note that in your report
5 you didn't comment on whether or not Mr. Watson was capable
6 of knowing and/or understanding the nature and quality of
7 his acts of murder at the time of the commission of the
8 murders.

9 Is there a reason for that?

10 A No. I have here, if I might read from --

11 Q I know what you have, Doctor, but you don't have
12 that particular sentence or that particular concept, do you?
13 In other words, you have --

14 A I do have.

15 Q -- you have one part of the test for criminal
16 insanity; in other words, you state in there that you felt
17 that he didn't know it was wrong --

18 A No, I have the whole thing.

1 Q All right.

2 Could you read what you have?

3 A Yes.

4 "The defendant was legally insane at the
5 time of the commission of the alleged offense
6 (M'Naghten) in that he was so brainwashed,
7 desensitized and programmed that his drug bathed
8 mind could not provide him with sufficient
9 mental capacity to know and understand that
10 what he was doing was wrong and in violation
11 of the rights of others."

12 Q But before that does it say that he knew and
13 understood the nature and quality of his acts?

14 MR. BUBRICK: I think that is argumentative.

15 THE COURT: Yes. It is argumentative.

16 MR. BUBRICK: He also answered in the disjunctive.

17 THE COURT: The doctor referred to the M'Naghten rule.
18 Apparently it does state the name.

19 Q BY MR. KAY: But, again, Doctor, you just
20 addressed yourself to Mr. Watson's inability to know what
21 he was doing was wrong. That is correct?

22 A To know and understand.

23 Q That what he was doing was wrong.

24 A That what he was doing was wrong and in violation
25 of the rights of others.

26 Q Now, is it part of your understanding that the
27 test for criminal insanity in California requires that a
28 defendant know and understand that what he was doing was in

1 violation of the rights of others?

2 A This is what we are given on the papers that we
3 get and I was merely following what the court put down.

4 Q You realize that is not part of the instruction,
5 don't you, Doctor?

6 A Well, the court gives me this thing and I follow
7 through.

8 THE COURT: The court gives you specific questions to
9 answer and you answer them; is that what you mean?

10 THE WITNESS: That is right.

11 Q BY MR. KAY: So, in other words, you are going on
12 what the M'Naghten test is by what the court gives you rather
13 than what is in the instructions?

14 A Well, wouldn't you want me to go by what the court
15 gives me?

16 Q I want you to go by the law, Doctor.

17 A Well, I assume when I get this from the court --

18 MR. BUBBICK: I move that remark be stricken. That
19 implies that he doesn't go by the law.

20 THE COURT: Yes. Disregard that, ladies and gentlemen.

21 Q BY MR. KAY: In other words, Doctor, you realize
22 that that is not part of the instruction, don't you?

23 A But I don't have anything to do with the
24 instruction. I just go by what the court says is the law and
25 they say "You follow this." I follow it.

26 Q Doctor, do you feel that at the time of the
27 murders that Mr. Watson had a diseased mind?

28 A Yes.

1 Q What is the name of that disease?

2 A I feel that he was suffering from the effect of
3 chronic intoxication, that there was organic defects from
4 chronic intoxication and had a schizophrenic type of mental
5 illness.

6 Q And do you consider that to be a disease rather
7 than a state of mind?

8 A It is a disease. It is a definite disease in all
9 psychiatric books.

10 Q What does the word "wrong" mean to you?

11 A "Wrong" is a philosophical concept that society sets
12 up, that sets certain standards that if you do this today it
13 is wrong. Tomorrow it might be right if society decides to
14 change its mind.

15 It is a dynamic concept. It is one that is
16 constantly being refined and changed.

17 Q And it is your opinion that at the time of the
18 murders that Mr. Hansen didn't know what he was doing was
19 wrong; in other words, that killing these seven people was
20 wrong?

21 A Not in the sense that we know -- not in the sense
22 that society has set it up.

23 Q Well, in what sense did he know it was wrong
24 then?

25 A He didn't know that it was wrong in any sense.
26 He only knew that he had been -- his society, his particular
27 society had set it up as being right and that was the society
28 of the Manson family, that whatever he did was right in that

1 respect.

2 Q Doctor, is it your opinion then that Mr. Watson,
3 if he knew at the time he committed these murders that a
4 policeman was standing there watching him, do you think that
5 he still would have committed these murders?

6 MR. BUBRICK: Objection. That is speculative.

7 THE COURT: Can you answer that?

8 THE WITNESS: I can say no.

9 Q BY MR. KAY: Now, Doctor, are you telling us
10 when you say that you feel that Mr. Watson didn't know and
11 understand that what he was doing was wrong, that Mr. Watson
12 at the time of the murders completely forgot what he had
13 learned about right and wrong in the first 23-1/2 years of
14 his life?

15 A Yes. That is what I am really saying.

16 Q Just completely disregarded what he had learned
17 in the first 23-1/2 years of his life?

18 A He completely disregarded that because of the
19 special circumstances, that he had been chronically intoxicated
20 by drugs, that he had taken up with this particular society
21 that he was living with, and had had, as I have pointed out
22 many times, he had had many conflicts over whether to believe
23 that which he was taught by his parents or that which was
24 taught by Manson, and when he was with Manson, he believed
25 Manson after a while was the only one who was right, and when
26 I examined him in the jail, when he was away from Manson and
27 had been away for a long period of time, still had periods
28 when he had conflicts about that very concept of right and

1 wrong.

2 Q Doctor, assume that approximately a week after
3 the Tate murders that Mr. Watson in Olancho, California
4 confessed to Diane Lake, a family member, that he murdered
5 Sharon Tate and that she pleaded for her life, and that after
6 he told her this, and a few other things, that he made her
7 promise not to tell anyone.

8 What is your most reasonable explanation of why
9 he made Diane Lake promise not to tell anyone, if he really
10 believed that he didn't do anything wrong in killing Sharon
11 Tate?

12 A Oh, I think that one thing that you said, that
13 is that was a week later, you see, and there are varying
14 degrees of intoxication of the drug.

15 He may have been drug-free at that time and begun
16 to realize that he had committed crimes.

17 Q This is a week after.

18 A A week later, yes. That is not an unusual
19 situation.

20 Q Doctor, assume the morning of the La Bianca
21 murders, this is the morning of the La Bianca murders, assume
22 that the La Blancas were murdered about 3:00 o'clock in the
23 morning and then approximately, sometime, say, around 8:00
24 or 9:00 o'clock in the morning, that Mr. Watson was approached
25 by a family member named Barbara Hoyt, and that Barbara Hoyt
26 told Mr. Watson that Leslie Van Houten -- you know who Leslie
27 Van Houten is, was along on the night of the La Bianca
28 murders -- that Barbara Hoyt told Mr. Watson that Leslie Van

1 Houten was hiding from some men who gave her a ride back
2 from Griffith Park.

3 Also assume that the La Blancas lived in the
4 Griffith Park area, a couple of blocks from Griffith Park,
5 and that Mr. Watson told her not to tell anybody anything
6 about Griffith Park.

7 What is your most reasonable explanation on the
8 morning of the La Blanca murders why Mr. Watson said this
9 to Barbara Hoyt if he didn't realize that what he had done
10 was wrong?

11 A I don't know. That is something that is sort
12 of dangling without any roots any place necessarily.

13 Q It couldn't be that he did know that what he did
14 was wrong, could it?

15 A I would be wildly speculating. It is sort of too
16 loose. There is nothing, no substance to hold it, no real
17 basic background.

18 Q Doctor, do you feel that at the time of these
19 murders that Mr. Watson knew that he would be punished if
20 he was caught by society?

21 A I don't think he considered that at all.

22 Q You don't think he thought about that at all?

23 A No consideration at all.

24 Q Doctor, how many times have you testified in the
25 insanity phase of a criminal trial where the defendant's
26 sanity at the time that the crime was committed was in issue,
27 approximately? I don't expect you to come up with an exact
28 number, but approximately.

1 A I really don't testify too often in insanity
2 phases.

3 Q Doctor, in the guilt phase of the trial -- you
4 cited two cases, one the Jernigan case and one Mr. Bubrick
5 brought up, the Varnum case, which allegedly showed that you
6 gave favorable testimony for the prosecution when you testified
7 -- let me just ask you a couple of questions pertaining to
8 that. I wasn't too familiar with those cases at the time.

9 Remember Mr. Bubrick asked you a question --

10 MR. BUBRICK: If your Honor please, I don't think this
11 has anything to do with the nature of the doctor's testimony
12 now.

13 THE COURT: Sustained.

14 MR. KAY: May we approach the bench?

15 THE COURT: You may approach the bench.

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

17 MR. KAY: I believe, your Honor, that Dr. Tweed was
18 attempting to mislead us when he testified about those cases.

19 Mr. Bugliosi and I were not familiar with those
20 cases at the time. Since then I have had an opportunity to
21 check with the prosecutor in both of those cases and I find
22 that Dr. Tweed's testimony was very misleading on those two
23 cases.

24 No. 1. Dr. Tweed didn't testify favorably to
25 the prosecution in the Varnum case. Mr. Bubrick on redirect
26 examination of Dr. Tweed said, "Doctor, isn't it true that
27 I had a case --" I think it was 10 years ago or whatever,
28 many years ago -- "and didn't you say some bad things about my

1 client?"

2 And Dr. Tweed on the witness stand said, "Yes."

3 MR. BUBRICK: Uncomplimentary.

4 MR. KAY: And he laughed and he said, "Yes, and he is
5 on death row now."

6 Well, I found out from Aaron Stovitz, who was
7 the prosecutor in that case that in fact Mr. Bubrick called
8 Dr. Tweed in the penalty phase and Dr. Tweed not only didn't
9 say anything harmful about him, but in the penalty phase,
10 when the jury was trying to attempt to determine whether or
11 not he should live or die, Dr. Tweed testified that Varnum
12 could be rehabilitated.

13 And then in the second issue, Dr. Tweed testified
14 on the Jernigan case, that he was fair because he testified
15 against a black man, in the Jernigan case, a first degree
16 murder case and that they found that this man was sane and
17 gave him the death penalty.

18 I found out from the prosecutor, Jim Ziegler,
19 that Dr. Tweed testified in this first degree murder case
20 that he felt the defendant couldn't deliberate and premeditate
21 the murders and therefore that he didn't feel that the man
22 could commit first degree murder.

23 I find Dr. Tweed's testimony was very, very
24 misleading on that.

25 THE COURT: All right. I am not going to permit you to
26 reopen the cross-examination on that phase of the case. I
27 am sustaining the objection to it. I will limit you to
28 cross-examine on what he testified here today.

1 MR. BUGLIOSI: It bears on his credibility, your Honor.
2 It is bias and prejudice during this phase.

3 THE COURT: I appreciate that.

4 MR. BUGLIOSI: Bias and prejudice does not have to be
5 limited to the direct, I think, under the law.

6 THE COURT: Well, I don't think it shows bias and
7 prejudice at all.

8 I am sustaining the objection. I am going to
9 direct you not to go into that.

#5

(The following proceedings were had in open court.)

MR. KAY: In view of your Honor's ruling about not opening cross-examination, I have no further questions.

THE COURT: Anything further, gentlemen?

MR. BUBRICK: I have nothing, your Honor.

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

MR. BUBRICK: Your Honor, may we approach the bench, please?

(Unreported discussion was had at the bench.)

THE COURT: Ladies and gentlemen, we will have to await the arrival of a witness or witnesses.

We will have a short recess until that time; and during the recess please heed the admonition heretofore given.

(Recess.)

THE COURT: Gentlemen, I believe you have a doctor we can call out of turn.

MR. BUGLIOSI: Yes, your Honor.

People call Dr. Bailey.

K. GROSVENOR BAILEY,
called as a witness on behalf of the people, having been previously duly sworn, testified further as follows:

THE CLERK: You have been previously sworn, Doctor.

Would you retake the stand and state your name for the record.

THE WITNESS: K. Grosvenor Bailey, G-r-o-s-v-e-n-o-r;
B-a-i-l-e-y.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. BUGLIOSI:

Q Doctor, I am sure the jury remembers your qualifications, so I won't ask you those again.

How many times have you examined a defendant on trial for murder to determine whether he was insane or sane at the time of the commission of the murder, in your some 30 or 40 years of practice?

A I would say over 500 times.

Q And of these 500 times how many times did you testify in a court of law as to whether the particular defendant was sane or insane at the time of the murders?

A I am referring to -- I presume in the neighborhood of possibly 250 times, something of that sort.

#6

1 Q You examined Mr. Watson of course several times --
2 go ahead, Doctor.

3 A Might I comment on this? I, in recording my
4 testimony the other day, indicated that I had examined some
5 2500 cases, something of this sort, and that approximately
6 25% of that number had been murder cases and that -- in that
7 relationship, I believe I testified to about 250 cases,
8 something of that sort.

9 Q Where the issue was sanity or insanity?

10 A Yes, exactly.

11 Q And the defendant was being tried for murder?

12 A Yes.

13 Q Now, you examined Mr. Watson five or six times
14 over at the county jail and at the hospital; is that correct?

15 A Yes, I did.

16 Q And as a result of your examining him, did you
17 reach any conclusion, any medical opinion, as to whether Mr.
18 Watson at the time of these seven murders knew and understood
19 the nature and quality of his act of killing these victims?

20 A Yes, I did.

21 Q What is that opinion?

22 A That he did know.

23 Q When we use the term know and understand the
24 nature and quality of the act, how do you define those words?
25 How do you define that term? What does that term mean to you?

26 A To me that means that he knew what he was doing
27 and he knew the purpose of doing it and he knew the
28 consequences of his act.

1 Q As a result of your examination of Mr. Watson,
2 did you reach any conclusion as to whether Mr. Watson at
3 the time of these murders knew and understood that his
4 killing these victims was wrong?

5 A Yes, I did.

6 Q What was that opinion?

7 A That he did know.

8 Q That killing these people was wrong?

9 A That is correct.

10 Q When you say that he knew that killing these
11 people was wrong, you mean that he knew that in the eyes of
12 society, the rest of society, it was wrong to kill these
13 people and that if he got caught he would be punished; is
14 that what you mean?

15 A Yes.

16 MR. BUBRICK: Object to that as leading and suggestive.

17 THE COURT: Overruled.

18 Q BY MR. BUGLIOSI: Is that what you mean?

19 A Yes. That is exactly what I mean.

20 Q That is exactly what you mean?

21 A Yes.

22 Q These medical opinions of yours that Mr. Watson
23 knew the nature and quality of his act of killing and that he
24 knew that it was wrong to kill these people, upon what did
25 you base these medical opinions?

26 A I based this on his testimony, or his omission
27 of testimony selectively.

28 I based it on the testimony of other individuals.

1 Q Like whom?

2 A Specifically Linda Kasabian and Susan Atkins --
3 and on the basis of what he did not have occasion to say
4 to anyone in Texas.

5 Q You mean his not talking about his killings back
6 there?

7 A That is right, and on the fact that in Atascadero
8 he is reported to have studiously avoided responses to
9 questions, whose answers might have been damaging in relation
10 to this incident, and also the fact that when he was pressed,
11 he purportedly became hostile and otherwise he was not.

12 Q All right.

13 Let's just exclude his failure to discuss these
14 crimes at Atascadero. Let's assume that the reason he did
15 not discuss these murders up at Atascadero is that he was
16 instructed not to do so by his attorney, Mr. Bubrick.

17 Let's eliminate his refusal up at Atascadero
18 as a basis for your opinion. Do you still feel in view of
19 the testimony and everything else that he knew that what he
20 was doing was wrong?

21 A Yes, I do.

22 Q What about his conduct and his statements at the
23 time of these murders? Do you feel that they reflected that
24 he knew that what he was doing was wrong?

25 A Yes. And I have so previously testified.

26 Q Briefly what conduct and statements were the
27 most influential in causing you to form your opinion?
28

#7

1 A I think his description to me of some of the
2 things which he did, incidents relating to what happened at
3 the time that Parent drove up -- Mr. Parent -- at the time
4 that he followed the girls and he designated who was ahead
5 and who wasn't ahead, he knew that; the fact that described
6 to me some of his activity as regards the stabbing, and so
7 on; and the fact, also, that specifically he was particularly
8 careful to indicate that he did not know or that he didn't
9 remember or that such and such and such a statement was
10 untrue, and those statements to which I referred at the time
11 in my query were those which were so clearly definitive and
12 so corroborative, one with the other, when they were superim-
13 posed that I was compelled to feel that he was forgetting
14 some things and on purpose.

15 Q I'm not sure you understand my question, Doctor.
16 What comments or statements, not necessarily to
17 you --

18 A I beg your pardon.

19 Q -- I'm sorry; actually, I think it was an artful
20 question on my part.

21 What conduct and statements by Mr. Watson during
22 these murders led you to the conclusion that he knew that
23 what he was doing was wrong?

24 A I believe there were a whole gaggle, if you will,
25 of statements specifically indicating that at the time he
26 knew what he was doing, he knew -- he told certain
27 individuals what to do, he followed the directions which he
28 had been given --

1 Q Would you enumerate some of the things that he
2 did and said which caused you to believe that he knew that
3 what he was doing was wrong?

4 A To whom?

5 I said, "To whom?"

6 THE COURT: During the commission of these homicides --

7 Q BY MR. BUGLIOSI: Was there anything that Mr.
8 Watson did and said during the commission of these murders
9 that led you to believe that he knew that what he was doing
10 was wrong?

11 Do you understand that question?

12 A May I ask, that he said to me or said to whom?

13 Q No, at the time of the murders -- not asked of
14 you; he may have said it to anyone, to Mr. Weber, to a
15 co-conspirator or anyone.

16 We are talking now about at the time of the
17 murders.

18 A May I refer, then, to the records --

19 Q Yes.

20 A -- because I don't remember independently.

21 If I may refer -- now, looking at page 38 of
22 my report, if I may refer to that, this has to do with Mrs.
23 Kasabian's testimony, and at the bottom of that page, line
24 29, referring to page 5066 and 67 of one of the original
25 transcripts, quote, roughly about midnight took the freeway;
26 Tex turned the car around on top of the hill and parked the
27 car beside a telephone pole, climbed the pole and I saw the
28 wires fall and a car pulled up in front of us and Tex leaped

1 forward with a gun; and the man said, "Please don't hurt me,
2 I won't say anything." He, Tex, shot four times and Tex told
3 me to go to the back of the house and see if there were open
4 windows and doors, which I did.

5 Then, continuing on line 5, page 39 --

6 Q BY MR. BUGLIOSI: I think we can save some time,
7 Doctor; I will ask just a specific question:

8 Do you recall any testimony from any source that
9 en route to the Tate residence Mr. Watson told Linda
10 Kasabian that if they were stopped by the police to throw
11 the knives and the revolver out of the car?

12 Do you recall that testimony?

13 A Yes.

Q How did you interpret that testimony?

Now, I am referring to the right-wrong test of M'Naghten.

What interpretation did you place on that?

A I interpreted that as being, if he knew that if he got rid of the evidence, why, it would be to everybody's advantage and, therefore, he knew the difference between having the evidence and being caught with it and he wanted to get rid of it.

Q With respect to the M'Naghten test, Doctor, of right and wrong, how did you interpret that particular act?

A I interpreted that as being indicative of the fact that he knew right from wrong.

Q That he knew what he was about to do was wrong?

A Correct.

Q With respect to his getting angry at Susan Atkins after these murders for losing her knife inside the Tate residence, how did you interpret that with respect to the M'Naghten test of right and wrong?

A I gave that the same interpretation that I had the other, that is that he knew right from wrong and he was disturbed that the knife evidence was left behind.

Q Okay.

With respect to his telling Mr. Weber in front of the Weber residence, "We are only getting a drink of water," when according to the testimony of Linda Kasabian Tex and the others were washing blood off their bodies, how did you interpret that with respect to the M'Naghten test?

1 A In the same way because I felt that that was a
2 defensive response on his part and that he knew the difference
3 between right and wrong and he gave only a half truth at the
4 time in explanation.

5 Q With respect to telling Linda Kasabian to wipe
6 the fingerprints off the knives before throwing them away,
7 what did this show in your opinion?

8 A I would say the same thing because this would
9 indicate his knowledge of the fact that the presence of the
10 fingerprints would be prejudicial to him.

11 Q You interpreted that conduct to mean that he was
12 aware that what he had done was wrong in the eyes of society
13 and he didn't want to get caught?

14 A Well, I think that is basic to the fact, the fact
15 that he didn't want to get caught and he knew -- he didn't
16 want to get caught and he knew it was wrong to have done and
17 it would be to his disadvantage to be caught.

18 Q What about his telling Linda Kasabian to throw
19 the knives and the clothing out of the car?

20 Did this indicate in your mind that he knew that
21 the murders he had just committed were wrong?

22 A Well, I think that is part of the same fabric.
23 I would say so, yes.

24 Q What about approximately a week and a half after
25 these murders in Olancha, California, when he told Diane Lake
26 that he had murdered Sharon Tate and made her promise not to
27 tell anyone what he had told her?

28 How would you interpret this?

1 A Again as a protective mechanism in that he knew
2 he had done wrong and that he didn't want to be apprehended.

3 Q And you feel that his failure to discuss these
4 homicides when he went back to Texas also indicates that he
5 knew that he had done something that was wrong?

6 A This I believe was my implication before, yes --
7 my inference from what was not done, yes.

8 Q What about after these murders, what about his
9 going to Hawaii and Mexico, did this indicate to you that he
10 was running away because he knew he had done something that
11 was wrong and he didn't want to get caught?

12 A This would not be contrary to that conclusion.

13 Q Doctor, can a person be mentally ill and not be
14 legally insane?

15 A Yes.

16 Q Can one be psychotic and not be legally insane?

17 A Yes.

18 Q Can one be suffering from diminished mental
19 capacity and not be legally insane?

20 A Yes.

21 Q Can one be legally insane and not be suffering
22 from diminished mental capacity?

23 A I don't think so, no.

24 Q In other words, you are saying that if a person
25 were legally insane, they surely would also be suffering from
26 diminished mental capacity?

27 A Correct.

28 Q And in your opinion is legal insanity a much more

1 severe type of mental illness and mental derangement then
2 diminished mental capacity?

3 A Yes.

4 MR. BUGLIOSI: No further questions.
5

6 CROSS-EXAMINATION

7 BY MR. KEITH:

8 Q Doctor, in arriving at your opinion, did you
9 consider the effect of the long-term use of hallucinogenic
10 and other dangerous drugs on Mr. Watson's life?

11 A I did,

12 Q And what effect did you think those drugs may have
13 had?

14 A As I indicated before, with the unmeasured and
15 unprescribed and unreported and welter of drugs, I was unable
16 to make that assessment.
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#9

1 Q Well, so Mr. Watson's drug use did not enter into
2 your consideration when you determined, as you have, that Mr.
3 Watson was legally insane at the time of the homicides?

4 A Well --

5 MR. KAY: Assumes facts not in evidence; he didn't
6 determine that he was legally insane.

7 MR. KEITH: "Legally sane," I said.

8 THE COURT: No, you misspoke yourself, Mr. Keith.

9 MR. KEITH: Did I say "insane"?

10 THE COURT: Yes.

11 MR. KEITH: I will change one --

12 THE COURT: We appreciate it was unintentional.

13 MR. BUGLIOSI: Change one syllable, Max.

14 Q BY MR. KEITH: You didn't consider whatever effect
15 drugs may have had on Mr. Watson's mind when you reached
16 your determination that he was sane, legally sane at the time
17 of the homicides?

18 A I considered it, counsel; but, as I have indicated
19 before, I was concerned with what he was doing at the time,
20 what his actions were, what his conduct was, what words he
21 used, whether his activities were appropriate to his purpose;
22 and I determined that all of that obtained in the affirmative,
23 and therefore, irrespective of what drugs he had had or any
24 other factors, he did what he did with purpose and with full
25 knowledge.

26 Q So what you are telling^{us} is that you didn't take
27 Mr. Watson's drug use into consideration in determining Mr.
28 Watson's state of mind at the time of the homicides; is that

1 right?

2 A Counsel, no, I did take his drug use into
3 consideration; but his drug use, of whatever amount or whatever
4 frequency or whatever drugs, did not deter him from doing
5 exactly what he did, and with purpose and appropriately
6 to his purpose.

7 THE COURT: In other words, you felt that the drugs had
8 no effect on him that night?

9 THE WITNESS: Not to that extent; exactly, your Honor.

10 THE COURT: All right.

11 Q BY MR. KEITH: You don't hold yourself out, though,
12 Doctor, as having any expertise in the field of mind-altering
13 drugs such as speed, marijuana, and other hallucinogenic
14 drugs?

15 A Not expertise as you and I would consider
16 expertise. I am acquainted with them, of course.

17 Q All right.

18 Now, Doctor, your findings as to Mr. Watson's
19 sanity were based in large extent, were they not, on your
20 evaluation of the testimony of Linda Kasabian, vis a vis what
21 Mr. Watson told you occurred on these two nights; isn't that
22 correct?

23 A I took them all into consideration and particularly,
24 as I have said, I took into consideration the denials that
25 Mr. Watson gave and the protective defensive responses which
26 he gave at the junctures of many of my very sensitive
27 questions -- well, questions dealing with a sensitive area.

28 Q You believe Linda Kasabian more than you did

1 Watson in those areas where their versions of the incident
2 differs; isn't that right?

3 A When I found that two individuals who were there
4 were able independently to report almost identical situations,
5 I believed that in those instances that they were reporting
6 as they knew and that if Mr. Watson denied those factors
7 or never mentioned them, that he was denying them deliberately
8 or that he had an amnesia for the immediate details and that
9 that amnesia was due to the fact that he, as nature does,
10 didn't want to remember as many of those events, because other
11 testimonies are so clear.

12 Q But what you are telling us is that because the
13 testimony of Linda Kasabian was clear, it is undoubtedly true;
14 isn't it?

15 Isn't that what you are telling us?

16 A I reported before that there may have been
17 elements of untruth in her testimony. I do not indicate
18 complete and unequivocal belief in that testimony, but when
19 that testimony independently is backed up by or is corroborated
20 or is, in essence, repeated by another individual who was
21 there, I find it difficult to ignore it.

22 Q Well, isn't it possible, Doctor, for Linda
23 Kasabian simply to have changed certain of the function of
24 the parties present and still sounded to you very clear and
25 accurate?

26 A That is possible.

27 Q Incidentally, in reaching your conclusion you took
28 into account, apparently, that when Mr. Watson was pressed at

1 Atascadero he became hostile; is that right?

2 A Yes, I did.

3 Q Were you aware or had you heard that this was part
4 of the treatment at Atascadero, to make him hostile so that
5 he'd get over his depressed state, that this was a routine
6 method employed by the staff at Atascadero to cure people
7 of depression, to make them hostile?

8 A I think that, if that be true, which you have
9 indicated or implied --

10 Q Well, let's assume it is --

11 A -- it is, that's right; I would say that there
12 are several considerations to be thought of.

13 In the first place, in interviews it is sometimes
14 -- not as a matter of therapy -- but it is sometimes, as a
15 matter of technique, to evoke emotion, that the examiner will
16 make a statement that may not have -- it may be just the
17 opposite from what the individual and the examiner know to be
18 the fact, but for the purpose of observing the response of
19 the individual.

20 If the individual just lets it go and doesn't
21 react to the situation, then we begin to wonder; and if the
22 individual does respond, as in this case, with hostility,
23 that indicates that it is a very sensitive point and he
24 doesn't want to further be pressed.

#10

1 Q Doctor, in arriving at your opinion,
2 undoubtedly you considered the effect of Manson on Mr. Watson,
3 did you not?

4 A Yes, I did, counsel.

5 Q And the folie a deux that you found to be present
6 not only between Manson and Watson but Manson and the rest of
7 the members of the family?

8 A Yes.

9 Q You considered those things?

10 A Yes.

11 Q And didn't you also consider, Doctor, what has been
12 described as Mr. Manson's grandiose scheme to foment a black-
13 white revolution and then escape to the bottomless pit and
14 eventually emerge from the bottomless pit and become the ruler
15 of the world, or at least part of the world?

16 A Yes, I did.

17 Q And did you consider that Manson's purpose was,
18 or at least his ostensible purpose in bringing about these,
19 ordering these homicides, was to make it look as if the black
20 people had committed them rather than white people?

21 A Yes.

22 Q And didn't you also consider that it was Manson's
23 belief that once the black people were blamed for these
24 homicides, that the white people, particularly the establish-
25 ment people, would rise up and start shooting black people?

26 A Yes.

27 Q And therefore wouldn't you say that Mr. Manson was
28 interested in not having these homicides traced to him or any

1 members of his family because this would, if I may use the
2 colloquialism, blow his whole scheme?

3 A That would be a most appropriate inference.

4 Q And therefore would you agree, Doctor, that it
5 was important for the perpetrators of these homicides not to
6 get caught, because if they were caught, it is obvious that
7 they were white people instead of black people?

8 A That is correct.

9 Q And did you also consider, Doctor, in forming your
10 opinion that Manson thought it was all right to kill
11 establishment people, that he himself saw nothing wrong in it
12 and that he inculcated this belief in the minds of his family,
13 including Watson?

14 A I don't believe that is right in any event.

15 Q Assuming that Mr. Watson believed Mr. Manson, that
16 it was right and just and proper to go out and kill people
17 in order to start this war, then wouldn't you conclude that
18 Mr. Watson's mental state was that it was right to do what he
19 did?

20 A Well, as I pointed out --

21 Q Or not wrong, to use the converse.

22 A As I pointed out before I gave reasons why he did
23 what he was told to do and he simply was fulfilling a contract.

24 Q All right.

25 But he went out there on these two nights of
26 homicides believing that he was kind of an emissary from God
27 or the devil, as the case may be, and that he was one of the
28 chosen people and this is what he ought to do and it was right

1 to do it.

2 A He indicated as part of his expression of
3 intimidation that he was the devil and was there to do the
4 devil's work.

5 Q This would indicate to you that if he believed he
6 was the devil at the time, he was in a delusional state?

7 A He didn't believe he was the devil.

8 Q Let's assume he believed he was the devil. Strike
9 that.

10 Who do you think he believed he was, if you have
11 any opinion?

12 A I believe that he believed he was Charles Watson.

13 Q You have heard, have you not, that part of the
14 philosophy of the Manson family was to sort of create a sense
15 of oneness between everybody?

16 A Yes.

17 Q You are me and I am you?

18 A Yes.

19 Q And so on.

20 Isn't it very probable that on the nights of these
21 homicides Mr. Watson may well have thought he was Manson?

22 A I don't think it is probable because he didn't
23 act as if he thought he was anybody else at any other time.

24 In fact, he strenuously objected, as I believe
25 there are several instances recorded, that other individuals
26 acted differently than he thought they should have and if he
27 was correcting them, of course, he was correcting himself if
28 they were homologous.

1 Q Don't you believe, Doctor, that Mr. Watson
2 believed because he was taught to so believe that he was sort
3 of an extension of Mr. Manson, not only on the nights of these
4 homicides but during his tenure at the Spahn Ranch?

5 A No. I believe that he did what he was told to do.

6 Q Don't you believe that Mr. Watson's individuality
7 had been suppressed, or at least had deteriorated as a result
8 of Mr. Manson's lectures and drug use?

9 A Yes, I do, because it had been eroded.

10 Q And do you believe that Mr. Manson's concepts were
11 accepted by Mr. Watson at the time of the homicides -- not
12 later, but at the time?

13 A His concepts may have been accepted, but he did
14 what he did because he was told to do it, but he did what he
15 did because he himself was aware of what he was doing and as
16 I read from the various transcripts, he had to make decisions
17 which, as I said before, nobody coached him to make and he
18 made them appropriate to his purpose.

19 Q He did what he did, in other words, killed people
20 because he was told to go kill the people; isn't that right?
21 Forgetting the details, but the mere fact of his killing people
22 was the result of his being told to do so, plus many other
23 factors, no doubt?

24 A I would say yes plus other factors which we alluded
25 to before.

26 Q Which we have already discussed?

27 A Which we have.

28 Q Incidentally, Doctor, is someone who is legally

1 insane, a person who simply does everything he can in order to
2 make sure that he is caught for his particular offense?

3 In other words -- that is not very artfully put,

4 Would you expect somebody who was legally insane
5 to, after the homicides, go to the first house and knock on
6 the door and to the occupants inside announce, "I just killed
7 five people up the street and here I am. Call the police or
8 do what you will with me"? Do you understand my question?

9 A I understand it. I am somewhat baffled by the
10 assertion because I don't think I knew that he knocked on the
11 door.

1 Q No, no, he didn't; he didn't, Doctor, don't
2 misunderstand me.

3 A Thank you.

4 Q What I am getting at is, you based a significant
5 part of your opinion that Mr. Watson was legally insane on
6 certain -- legally sane, on certain -- I have got it on the
7 brain.

8 THE COURT: Acts of concealment.

9 Q BY MR. KEITH: -- on certain acts that he did at
10 the scene which to you you interpreted as indicating he was
11 trying to avoid detection or getting arrested or getting
12 caught; isn't that right?

13 A In those specific instances, right, where he was
14 deliberately faced with a matter of judgment relating to
15 somebody's challenge, yes.

16 Q So, do you find any correlation at all between
17 legal insanity and not wanting to get caught?

18 In other words, somebody doesn't want to get
19 caught, does that mean, ipso facto, they are not legally insane,
20 that they know it is wrong to have done what they did?

21 Are you with me?

22 A I think so.

23 I think an individual who is legally insane is
24 not able to make that particular value judgment.

25 Q I don't quite understand you. You mean such an
26 individual, an individual who is legally insane would do
27 nothing to avoid getting caught, as you have used the term?

28 A He might do nothing.

1 Q And he might also do something to avoid the
2 police or avoid detection?

3 A Well, if he knew -- if he knew what he was doing
4 and if he was not legally insane, he would try to avoid
5 detection.

6 Now, I do not believe that a person who is legally
7 insane usually would be able to make the value judgments which
8 would say, "Well, I'm going to do this because if I don't do
9 this I will get caught."

10 Q Now, let's assume, Doctor, that -- let's assume
11 for the sake of the argument that Mr. Watson didn't want to
12 get caught.

13 I am not conceding this, mind you, but let's assume
14 that he didn't want to get caught and let's further assume
15 he didn't want to get caught because this would lead back to
16 Manson, Manson would be arrested and Manson's grandiose scheme,
17 which Mr. Watson was a part, would collapse.

18 Let's assume these things.

19 MR. BUGLIOSI: I would object. There is no testimony
20 from Mr. Watson or anyone else that this is the reason why he
21 did these things, so it is a hypothetical question, your Honor,
22 not based on any evidence.

23 THE COURT: I will allow it.

24 MR. KEITH: I think proper inference is to be drawn --

25 Q Bearing those assumptions in mind as true, do you
26 still believe that Mr. Watson's activities after the homicides
27 or during the homicides disclosed that he knew what he was
28 doing was wrong, assuming he did the things he did to avoid

1 detection so that Mr. Manson wouldn't be arrested and that his
2 scheme could go forward?

3 MR. BUGLIOSI: Your Honor, I don't see how that question
4 can be asked when there is no evidence of it.

5 THE COURT: I have allowed it, Mr. Bugliosi.

6 MR. BUGLIOSI: I think it is a rather important question
7 and if there is no evidence under the law, as I understand it,
8 a hypothetical question has to be based on evidence, your
9 Honor --

10 THE COURT: Mr. Bugliosi, the objection is overruled.

11 THE WITNESS: I would try to answer that. I believe --
12 I ask for some of the question again, I'm sorry, but I will --

13 MR. KEITH: I don't blame you.

14 THE COURT: Can you read it, Mr. Reporter -- or do you
15 want to reframe your question?

16 MR. KEITH: I will reframe it because of all the colloquy.

17 All right, here we go.

18 Q Let's assume that Mr. Watson was under Manson's
19 domination and that Mr. Manson ordered the homicides to be
20 committed by Watson and these girls, and let's assume that
21 the purpose of Manson in sending Mr. Watson and the girls out
22 on these nights of homicide was to foment a black-white race
23 revolution; and let's assume that it was Mr. Manson's purpose
24 as well as the perpetrators of these homicides to create in
25 the minds of the community that black people had committed the
26 homicides; and let's further assume that Mr. Manson's scheme
27 to emerge eventually as the ruler of the world if either he or
28 any other members of his family who were perpetrating these

1 homicides were caught, because then it would be obvious that
2 it was white people and not black people -- are you with me?

3 A I'm with you.

4 Q -- and let's assume that Mr. Watson believed in
5 Mr. Manson and the concepts that Mr. Manson taught, the
6 anti-establishment concepts, the black-white revolution concepts,
7 helter skelter, all these things we know about, killing the
8 establishment was all right because they are already dead,
9 and so forth; and let's finally assume that Mr. Watson and
10 the girls did do certain things during and after the homicides
11 and before, for that matter, to avoid detection, and these are
12 acts and conduct that you have discussed here before; and
13 let's assume that the purpose in attempting to avoid detection
14 was so that the police or authorities would think black people
15 committed the homicides.

16 Bearing those assumptions in mind is it still your
17 opinion that Mr. Watson knew the difference between right and
18 wrong or knew it was wrong to kill?

19 A Yes; yes, it is.

20 Q Now, how do you reach that conclusion?

21 A I reach that conclusion --

22 Q Based on the hypothetical situation that I have
23 expanded.

24 A On the hypothetical situation which you have
25 expanded -- this includes, of course, the relationship which
26 I have tried to describe before as regards the matter of
27 folie a deux, and this represented a mechanism by which
28 influence was achieved and behavior was influenced; but, as I

1 have also reported, as far as I am concerned there was no
2 hallucination nor was there delusion --

3 Q Did you say "delusion" or "illusion"?

4 A No, delusion.

5 Q No delusion?

6 A No delusion and no hallucination.

7 This was a belief which had been placed, if I may
8 use the term, on these people, and Mr. Manson himself is
9 quoted by one of the girls, I believe, in saying, "Well, I
10 have tricked you people. You are just like sheep"; and so,
11 in fact, one of these individuals said, "He called us sheep
12 sometimes."

#12

1 Now, in this context Mr. Watson did what he was
2 told to do and at the same time he knew what he was doing.

3 He knew that it was wrong to do and, as I have
4 previously stated, there were satisfactions in his doing
5 certain things which he found at the time he did them, of
6 which I believe he was unaware.

7 Q How could he know it was wrong to do if Mr. Manson
8 had told him it was right to do these things and Mr. Watson
9 believed him?

10 A He did what he did because he was told to do them,
11 but he knew they were wrong to do, because he exercised the
12 responses which he did, and, furthermore, in the process of
13 doing them, and after he did them, he also had pangs of
14 remorse and, therefore, although his personality had been
15 eroded, his conscience had not been suppressed and his
16 conscience, so far as I am concerned, and his relationship to
17 his conscience, and the fact that he knew that he had done
18 wrong, indicated that fact and he afterwards was described as
19 having reacted nervously, as though he had been through a
20 traumatic experience.

21 Q Doctor, he didn't begin to realize, did he, so far
22 as you know -- by "he" I am referring to Watson -- he didn't
23 begin to realize or appreciate what he had done until he had
24 left the Manson family and been on his own for a while; isn't
25 that right?

26 A That is what he told me.

27 Q Isn't it your opinion that Mr. Watson didn't begin
28 to realize the enormity of what he had done until some period

1 of time after the acts themselves were committed?

2 A No. I don't think that that is the way I could
3 interpret it, counsel.

4 Q Mr. Watson was still very much under the domination
5 of Mr. Manson, was he not, oh, a week or two after the
6 homicides?

7 A I believe so.

8 Q Didn't Mr. Watson tell you that even some months
9 after the homicides had occurred -- not months, but a couple of
10 months -- he tried to find Mr. Watson in the desert -- Mr.
11 Manson in the desert, and was unable to and so hitch-hiked
12 all the way back from Death Valley and then went home by plane?

13 A I'm sorry, counsel, but I don't have that
14 information. I don't recall that at all.

15 Q Doctor, you did find, did you not, that Mr. Watson
16 at the time of the homicides suffered from mental derangement,
17 didn't you, by reason of folie a deux psychosis?

18 A Yes, in that sense, yes.

19 Q When one is suffering from a psychosis, one is
20 severely mentally ill; isn't that correct?

21 A Not necessarily so, no, counsel.

22 Q Isn't a psychotic person someone who generally is
23 considered by the psychiatric profession to be afflicted with
24 a severe mental or emotional disorder?

25 A There are gradations -- I believe in general I
26 would say most assuredly, but there are gradations of that.

27 Q Incidentally, what caused you to believe that Mr.
28 Watson didn't believe that he was the devil? Assuming he told

1 the people at the Tate residence, "I am the devil here to do
2 the devil's work"?

3 A I don't know that I can answer that question. I
4 think it is a good question, of course.

5 I believe as I said before, however, that he made
6 that statement in order to intimidate the people.

7 Q Doctor, of all the 500 -- strike that.

8 Have you ever found anybody, in all your experience,
9 legally insane who did not at the earliest opportunity confess
10 to the police their misdeeds?

11 A Oh, yes, of course.

12 Q Did you understand my question?

13 A If I may repeat it -- did you ever find anyone who
14 was legally insane who did not, when they had their first
15 opportunity, confess to the police.

16 Q Or friends or relatives.

17 A Or friends or relatives.

18 Q Yes.

19 A Yes.

20 Q Doctor, do you have your report you prepared in
21 this case?

22 A Yes.

23 Q Would you turn to page 28.

24 A Yes.

25 Q Doctor, there is a quote starting at line 21 of
26 that page about folie a deux and its definition.

27 A Yes, counsel.

28 Q And who wrote that quotation, do you know? I can't

1 quite make it out in your report. Maybe it was Lasage and
2 Fabray, or was it Dr. Ivan Mansh?

3 A I believe it was Mansh, Dr. Ivan Norman Mansh.

4 Q Do you agree with Dr. Mansh's partial definition
5 to the effect that, "Folie a deux is a psychiatric entity
6 characterized by a transference of delusional ideas"?

7 A I do if you will go ahead with that sentence.

8 Q "...and/or abnormal behavior from one person to
9 another, or one person to one or more others who have been in
10 close association with the primarily affected patient."

11 A Yes, counsel.

12 Q The transference here was more than just the
13 transference of abnormal behavior, wasn't it? By "here" I
14 am referring to the Watson-Manson confrontation.

15 A As I pointed out and as I believe the last time I
16 had occasion to refer to that, I believe that the "and/or"
17 is the important part there because he had abnormal behavior,
18 but I do not agree that the delusional ideas were transferred.

19 Q You don't find any delusional ideas at all in
20 Mr. Manson's thought system?

21 A Not per se, no, only as he was impressed to comport
22 himself and to act under the emoluments and bait which Mr.
23 Manson offered. In fact, Mr. Manson himself, as I say, is
24 reported to have said, "Well, I have just been fooling you
25 people."

26 Q Did Mr. Manson to your knowledge, did you find any
27 evidence that Mr. Manson told Watson, "I have tricked you. I
28 have just been fooling you all this time"?

1 A That is what one of the girls said, told the whole
2 group. He told the whole group.

3 Q Actually Mr. Manson didn't tell Mr. Watson at the
4 time he told him to go out and kill these people, "You know,
5 I have just been tricking you or fooling you all this time
6 about this helter skelter business. That is a bunch of hogwash."

7 You didn't find that in any information that you
8 received that Mr. Manson told Watson that?

9 A Not at the time he told him to go out and kill,
10 no.

13

1 Q You don't have any evidence that Mr. Manson told
2 Watson that, do you, before the homicides -- a week before, a
3 month before?

4 A I don't know the timing; I can't answer that,
5 counsel.

6 Q It is your opinion that it is not delusional to
7 believe that you are going to go to the bottomless pit and
8 live there and emerge unaged, not any older, in other words,
9 eventually and rule the world?

10 You don't think that's a delusional frame of mind?

11 A I think that's a nice fantasy; but I believe,
12 again, that the bait and the pleasures and the hedonistic
13 milieu the pleasure principle which surrounded the life at
14 the ranch was the reason that these people went along with
15 this idea.

16 Q You don't believe that Mr. Watson went out and
17 participated in the killing of seven people just because he
18 was having a nifty time at the Spahn Ranch with the girls,
19 do you?

20 It is a little deeper than that, isn't it?

21 A Yes, it is a little deeper than that; and the reason
22 he did that is because Manson told him to.

23 Q Incidentally, this folie a deux concept or
24 phenomenon has been called infectious insanity by one writer,
25 hasn't it?

26 A If I may refer to this material in which I reported
27 that -- yes, it has been called infectious insanity.

28 Q Psychic --

1 A Psychic infection.

2 Q It has been called reciprocal insanity by Parsons?

3 A Right.

4 Q And collective insanity, by Ireland?

5 A Right.

6 Q And double insanity by Tuke?

7 A Right.

8 Q And influenced psychosis, by Gorden?

9 A Right.

10 Q Mystic paranoia by Pike?

11 A Right.

12 Q Did you research all these articles? You are to

13 be congratulated if you did.

14 A I did not research all the articles; no, I did not

15 research all the articles.

16 Q But you did a lot of research in the field of

17 psychosis known as folie a deux; isn't that correct?

18 A Yes, I did.

19 Q And presumably you have seen it in other instances

20 besides Watson?

21 A I have not seen it and I think I so testified; I

22 have not seen it in the -- well, we say, the clear, classic

23 form that I see it in this particular case.

24 Q It is rare, isn't it?

25 A It is rare.

26 Q And it is something that may not be too well

27 understood by even the medical profession, by reason of its

28 rarity?

1 A I think those who do not understand it have had no
2 -- either no experience with it or no research with it; but
3 when the facts are presented and when we understand that, as
4 in this case, there is not an affective psychosis -- and by
5 affective psychosis I mean a psychosis which has moods and
6 contradistinctive, primarily, to thought process difficulties
7 -- and it is an important distinction -- therefore, this
8 particular category satisfies the inclusion of Mr. Watson's
9 behavior, his moods; and these moods always intensified even
10 in the depression when he was under danger of personal
11 challenge; and then the instance that we are talking about
12 as regards the murders, he was told to do it. He was armed,
13 he did what he was told to do; he knew what he was doing; he
14 knew that it was wrong to do, but did it because of the contract,
15 and after he had done it he had this feeling of traumatic
16 experience which indicated that at the time he knew that it
17 was wrong to do.

18 Q This contract, is this some so-called contract
19 between Manson and Watson whereby Watson would do things for
20 Manson in exchange for Manson doing things for Watson?

21 A Manson provided a situation in which, except for
22 certain instances which we have talked about, these people
23 were able to release themselves from responsibility, to release
24 themselves from the need of, particularly, of work other than
25 associated with what was going to be beneficial to the commune;
26 and were given, as I say, the emoluments of communal living
27 in relationship to this thing which you have emphasized and
28 which is so important from the standpoint of the degradation

1 of the individual, the reduction of their oneness, so to speak,
2 as individuals, their unity to be oneness in the group.

3 Q Doctor, didn't you tell us in your previous
4 testimony that in your opinion Mr. Watson didn't know why he
5 killed these people?

6 A I indicated that he didn't know why he felt better
7 when he killed them.

8 Q I don't recall that, but --

9 THE COURT: Doctor, I think your exact words, "He does
10 not know why he killed them, but I do."

11 THE WITNESS: My exact words were, he does not know why --
12 he knew why he killed them because he was told to kill; but he
13 knew -- he didn't know why he felt better in killing them
14 because -- but I did know. That, I'm sure, is clear, your
15 Honor --

16 MR. KEITH: Well, the record will speak for itself.

17 Q I know after seeing that you espoused, or at least
18 advanced a theory that there was some underlying, unconscious
19 hate within --

20 A Within himself, against himself, not against the
21 individuals --

22 Q But now you think, it is your opinion that he did
23 know why he killed those people?

24 A No, only that he was told to do it. I haven't
25 said anything, I hope, that would alter that thought, because
26 he knew -- he did what he did because he was told to do it;
27 but he did not know why he felt better after he did it.

28 In spite of the fact that he did it, and this is

1 a little confusing, but nevertheless it is clear as far as my
2 logic is concerned.

3 THE COURT: Doctor, if I recall correctly, after you
4 made the statement, twice, "He does not know why he killed
5 them, but I do"; you then explained that he was a failure.
6 As a result of being a failure he hated himself and that hatred
7 kept increasing until he took this hatred out on these people
8 that he killed, and that was the reason he killed.

9 Wasn't that the explanation you gave?

10 THE WITNESS: I believe so; I believe so.

11 MR. KEITH: I don't have anything further.

12 I have nothing further.

13
14 REDIRECT EXAMINATION

15 BY MR. BUGLIOSI:

16 Q Doctor, with respect to the folie a deux called
17 infectious insanity by a man named Ideler, that was in 1838;
18 is that correct?

19 A That's correct.

20 Q Ideler was not the Chief Justice of the California
21 Supreme Court or anything like that, was he, Doctor; as far as
22 you know he was just a doctor?

23 A That's right.

24 Q He wasn't a Justice on any supreme court in 1838?

25 A No, he was not.

26 Q And that holds true with Hoffbauer in 1846; you
27 are not aware that he was any Justice on any supreme court, any
28 lawyer or judge or justice.

1 He was just a doctor, is that correct?

2 A I believe all of these were just doctors.

3 MR. BUGLIOSI: Thank you.

4 No further questions.

5 MR. KEITH: Nothing further.

6 THE COURT: Thank you, Doctor, you may be excused.

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

8 We don't need the reporter.

9 (An unreported discussion was had at the bench.)

10 THE COURT: Ladies and gentlemen of the jury, we will
11 recess until 1:30.

12 Once again, heed the usual admonition -- and we
13 might tell you what we plan to do unless things go awry.

14 We will be through with the testimony early this
15 afternoon and we will hear arguments on this phase of the case
16 today and we hope to give you this phase of the case for your
17 consideration the first thing in the morning.

18 (The noon recess was taken until 1:30 p.m. of
19 the same day.)
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1 LOS ANGELES, CALIFORNIA, MONDAY, OCTOBER 18, 1971; 2:00 P.M.

2 - - -

3
4 THE COURT: People against Watson.

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

7 MR. KEITH: I would like to call Dr. Hockman to the
8 witness stand.

9
10 JOEL HOCKMAN,
11 called as a witness on behalf of the defendant, having been
12 previously duly sworn, testified further as follows:

13 THE CLERK: You have been previously sworn.

14 Would you be seated and state your name please for
15 the record.

16 THE WITNESS: Dr. Joel Hockman.

17
18 DIRECT EXAMINATION

19 BY MR. KEITH:

20 Q There will be no necessity to go into your
21 qualifications at this time because the evidence that was heard
22 by the jury in the previous stage of the case has been
23 stipulated to be considered by them in this phase of the case.

24 So getting right to the point: At the time you
25 testified at the last proceeding, Doctor, you did not have the
26 benefit of examining the defendant, Mr. Watson; is that correct?

27 A That is correct.

28 Q Since that time did you personally examine Mr.

1 Watson at the county jail infirmary?

2 A Yes. I spent approximately five hours with him
3 since then.

4 Q And was that on Saturday and Sunday of last week?

5 A It was yesterday and day before.

6 Q Doctor, as a result of all the information you had
7 received about this case and already knew by reason of your
8 examination of the girls and as a result of your examination
9 of Mr. Watson Saturday and Sunday, did you form an opinion as
10 to whether or not Mr. Watson was psychiatrically insane as
11 opposed to legally insane?

12 A Well, I am going to preface what I am going to say
13 in terms of -- I think that my impressions have undergone some
14 profound changes with the advantage of having seen him, as
15 opposed to only reading other people's examinations.

16 At this time I think that he was, in my opinion,
17 suffering from a psychiatric condition which adequately
18 explains to me the events at that time.

19 This condition is not a psychosis per se as
20 defined by the APA, the American Psychiatric, but it is a
21 definable condition which I would call a striking example of
22 a disassociative state and I can define that for you.

#15 1 Q Yes, what do you mean by dissociative state, in
2 terms that we all can understand?

3 A According to the APA, again, dissociation is
4 defined as a psychological separation or splitting off, an
5 interpsychic defensive process which operates automatically
6 and unconsciously. Through its operation emotional significance
7 and affects, which is the same thing as emotion or feelings,
8 are separated and detached from an idea, situation, or object.

9 Dissociation may unconsciously defer or postpone
10 experiencing the emotional impact as, for example, in selective
11 amnesia; and I think that at the time of these events Mr.
12 Watson was suffering from such a condition in which his feeling
13 and understanding for what he was doing was widely and
14 distinctly separated in his conscious mind, and I think that
15 this condition was unquestionably augmented by his intensive
16 experiences in the family situation from the induced psychotic
17 level delusional state of which he was a member and a part,
18 and possibly, although we don't -- we can't define it, but
19 possibly augmented by an LSD toxic effect at the time of these
20 events.

21 Q Doctor, in the framework of the legal definition
22 of insanity, do you have an opinion as to whether or not at
23 the time of the homicides Mr. Watson knew and/or understood
24 that what he was doing was wrong?

25 A I think that Mr. Watson had a competent understand-
26 ing of the events that he was involved with but he knew that
27 if he pulled the trigger, for instance, a gun would go off and
28 that damage would be done as a consequence of that.

1 However, I think his sense of right and wrong was
2 essentially in a state of suspension, a state of dissociation,
3 that it was as if there was no right and wrong in his mind at
4 the time of these events. There was mere existence or being,
5 the fact of being there; but the consequences of his act I
6 do not think he was in touch with in any emotionally meaningful
7 way.

8 Q Are you telling us in substance that in your opinion
9 Mr. Watson was unable to appreciate the difference between
10 right and wrong as we understand it, when faced with the
11 determination as to whether or not to kill?

12 A I think at the time of these events such a question
13 would have been purely irrelevant in his mind. They did not
14 exist in his mind.

15 I will be frank with you, I have been struggling
16 with this all the way down today and since yesterday afternoon.
17 I haven't written my report yet, I haven't had the time; and
18 the best way I can understand it is to liken his situation to
19 that of a soldier in combat.

20 When a soldier kills someone in combat he does
21 appreciate, he does have a sense of the wrongness of his act;
22 it is wrong to kill, we are taught that from the earliest state
23 of cognition, of understanding, and yet that question is
24 suspended in his mind; and I think it isn't exactly a parallel
25 here, but I think it gives you an idea of what I am trying to
26 say, that the combination of events and circumstances and
27 condition and his delusional state, his identification almost
28 totally with Hanson, just eliminates any such question in his

mind.

He was doing what was appropriate to him at that time and there was no right and wrong. There was only the world in which he existed in a psychotically delusional way.

#16

1 Q Doctor, you told us that after having examined Mr.
2 Watson, that you -- I don't want to misquote you -- but that
3 you gave some additional thought to the problem and made some
4 changes in your thinking or opinion.

5 A Well, I think that --

6 Q Will you tell us what you meant by that or what
7 happened during your interviews or afterwards that brought
8 this feeling about?

9 A Well, the question that remained in my mind at
10 the time of my last testimony here was what was his state of
11 mind literally at the time.

12 No one had clarified that sufficiently for me and
13 I didn't know myself. I wondered was he in a sense of conflict.
14 Did he experience conflict about what he was doing. Did he
15 indeed appreciate that there was a wrongness for what he was
16 doing.

17 As a consequence^{of}/my examination of him, my conver-
18 sations with him, I am convinced that for this man, there was
19 no emotional content at the time of these events.

20 I have a good deal of evidence now to convince me
21 that this is something characteristic of his life, that his
22 life is very basically devoid of an emotional content; that he
23 is profoundly schizoid, as I defined it last time, the absence
24 of a sense of real feeling in life, and that this schizoid state
25 became psychotic in proportion at the time of these events.

26 He experiences emotion now with the sense of kind
27 of a pathetic emptiness in his life. His life is over. He
28 feels dead, and I believe him.

1 I feel that he has probably felt dead for a long
2 while and the only place that he ever had any semblance of
3 feeling was in the Manson family, as psychotic as that
4 organization of events was.

5 He did at least have a delusion of being alive at
6 that time and important to his membership in that liveness
7 was these acts -- were these acts, and I think that that helps
8 me to understand now how something as bizarre as this could
9 happen.

10 Q Doctor, in formulating your present opinion, did
11 you take into account, as you did during your previous
12 testimony, the testimony of Linda Kasabian concerning the
13 activities, conduct, and statements attributed to Mr. Watson?

14 A Yes, I did.

15 In fact, elaborating on some of these things,
16 clarifying some doubts I had in my mind about who had said
17 what and done what, and what his role had been, active or
18 passive -- in his conversations with me he was active.

19 He described himself as active, but nonetheless
20 his actions were widely separated from any feeling, any
21 emotional content and he relates to me that way essentially,
22 except when he begins to dwell in terms of his childhood and
23 in terms of his fantasy of returning home as if nothing had
24 ever happened.

25 At these points it begins to break through.

26 Q Doctor, assuming, arguendo, for the sake of
27 argument, that some of the things Linda Kasabian said he did
28 and said --

1 A Yes.

2 Q -- such as telling Linda to wipe fingerprints off
3 of knives and becoming angry with Susan Atkins because she left
4 her knife within the Tate residence, et cetera -- are you
5 familiar with Linda's testimony?

6 A Yes.

7 Q Assuming that testimony to be true with relation
8 to Mr. Watson's activities and statements on the nights in
9 question, does that change your opinion at all concerning Mr.
10 Watson's failure to even consider whether it was right or
11 wrong to do what he did, whether he was acting in a dissociative
12 state?

13 A I think he was of such a single mind, he was so
14 singleminded at that time -- if I can borrow that phrase --
15 that he was so totally wrapped up in what he was doing, that
16 any other consideration was irrelevant.

17 That he could become angry with them for leaving a
18 knife, that would be appropriate to his purpose there, to his
19 sense of identity at that time.

20 He was Manson at that time. He was Manson's child.

21 He is still terrified of Manson. He doesn't want
22 to have anything to do with anyone vaguely connected because
23 that draws him back into a web of which he has a real terror
24 of never being able to escape.

25 Q Did he tell you he was still afraid of Manson?

26 A No. He didn't tell me that.

27 I sensed it. I felt it and I heard it in what he
28 was saying.

1 He becomes visibly disturbed when the name comes
2 up. He becomes agitated. In contrast to sitting still for
3 long periods of time in a kind of frozen posture, he begins
4 to get agitated. His legs begin to shake. He begins to pick
5 at himself.

6 Q Did you form the opinion as to whether or not
7 Mr. Watson was trying to be sincere with you or whether he
8 was feigning any of the things said and did?

9 A I gave a lot of thought to that. I mean that is
10 an obvious question and it is always an important question
11 when you are examining a patient.

12 I will say this, that I was very suspicious on
13 examining him, examining him, because of looking for this kind
14 of feigning or pretending, but not only was I convinced but
15 the jail nurse and the guard, the officers --

16 MR. BUGLIOSI: This is hearsay.

17 Q BY MR. KEITH: You can't tell us that.

18 MR. BUGLIOSI: This is hearsay. I will object upon that
19 ground. I don't know what he is going to say but it sounds
20 like hearsay.

21 THE COURT: He is not going to say that.

1 THE WITNESS: I can just say that --

2 MR. KEITH: Wait, wait, wait; wait a minute.

3 May I approach the witness?

4 THE COURT: Go ahead.

5 Q BY MR. KEITH: Go ahead; I am sorry to have
6 interrupted you.

7 A I can say that I am not easily moved and I see a
8 lot everyday; and this man moved me.

9 He's a very convincingly pathetic person. I don't
10 think he was feigning or pretending and I would stake my
11 reputation on it -- I am, I guess.

12 MR. KEITH: I don't have anything further at this time.

13 THE COURT: Mr. Bugliosi --

14 MR. KEITH: Do you want all of us?

15 THE COURT: Yes.

16 (An unreported discussion was had at the bench.)
17

18 CROSS-EXAMINATION

19 BY MR. BUGLIOSI:

20 Q Doctor, among many other things I like about you,
21 you are very, very democratic; The last time I saw you the
22 people called you to the witness stand. Maybe during the
23 penalty trial we will both call you to the witness stand. Okay?

24 I'm looking at your last report, the one that you
25 did type up, the second to the last paragraph. In there you
26 do say words to this effect: "He," referring to Mr. Watson,
27 "He knew right from wrong. No man doesn't, in some degree,
28 unless he's suffering from intellectual insufficiency or

1 physical-neurological incompetency."

2 Do you still feel the same way?

3 A I think that -- I'm obviously qualifying that
4 statement in the following regard, that I do still believe
5 that he knew right from wrong in some sense.

6 He was brought up in our society; his sense of
7 rightness would be comparable to our sense of rightness, but
8 I think that I found how it could be that he should have such
9 a content and at the same time be totally out of touch with it
10 at the time of these events; and this is not an unusual
11 condition, the dissociative state.

12 It is a common condition and seen in war neuroses,
13 for instance. I think that accounts for how he could on one
14 level know the difference between right and wrong, but in the
15 sense of efficiency and effectiveness, in effect at the time
16 of these events, in a dissociative state he was totally out
17 of content with an acceptance of wrongness.

18 Q Talking about the war analogy, is it rather common,
19 from your experience and reading literature about soldiers in
20 combat, for a soldier, let's say, to shoot an enemy soldier and
21 then immediately after doing so wipe the fingerprints off of
22 his gun and throw it into a lake or something? Is that common?

23 A I should think it wouldn't be unless it was
24 important for him to do that in order to fulfill his job as a
25 soldier.

26 Q But, by and large, a soldier kills another soldier,
27 there is no reason for him to keep it a big secret, is it?

28 A No, it is not part of the role.

1 Q So that analogy between the soldier and Mr. Watson,
2 in all professional candor, is a rather anemic analogy, isn't
3 it?

4 A I soundly disagree. I think that the psychological
5 mechanisms by which both attain their objectives and perform
6 their duty would probably be fairly similar, but the role of
7 each is different. It is not important for a soldier to not
8 get caught in order to win the praise of his superior, as in
9 the Gally case.

10 Q He has no desire to conceal what he has done?

11 A That's right.

12 Q Whereas Mr. Watson did have a desire --

13 A Yes, that was as he was instructed. He was to do
14 the job.

15 Q Was Mr. Watson instructed by Mr. Manson to tell
16 Linda Kasabian to wipe the fingerprints off the gun?

17 A As I understand it, he was instructed, according
18 to what he told me, he was instructed to go there and do the
19 job and to come back.

20 Q Right, so there was no reference to telling Linda
21 Kasabian to wipe fingerprints off the gun?

22 A No, not to my knowledge.

23 Q So far as you know -- as far as you know, this
24 decision came from Mr. Watson's own mind?

25 A Oh, yes.

26 Q As far as you know?

27 A Yes.

28 Q Now, how do you explain that?

1 A How do I explain it?

2 Q Yes.

3 A I think it is not very difficult to understand at
4 all.

5 He was doing a job, he was acting out a role; and
6 included in that role would not be getting caught.

7 Q Why included in that role would there be the notion
8 of not being caught; isn't the reason being that he knew that
9 what he had done --

10 A It is very simple --

11 Q -- could have caused him to be punished if he were
12 caught?

13 A I think it is even simpler than that. If he gets
14 caught he cannot go back, he can't go back and rejoin the
15 family; he can't live there in that circumstance, this idyllic
16 delusional environment; he can't take LSD or have gratis love
17 and attention.

18 Q Why can't he go back to the family?

19 A Because he would be --

20 Q In jail?

21 A -- in jail, right.

22 Q In other words, he knew that if he got caught he
23 would be punished, that it was wrong --

24 A I think that he knew the consequences of what would
25 happen, yes; but I think the question of wrongness was
26 irrelevant to him, Mr. Bugliosi.

27 Q But he knew that when he killed these people he
28 was doing something that the rest of society, in other words,

1 outside the perimeters of this group at Spahn Ranch, the rest
2 of society considered killing human beings wrong; he knew that?

3 A I think he had an intellectual grasp of that, but
4 emotionally it was as irrelevant as what was going on at the
5 north pole.

6 Q You were not talking about state of mind --

7 A I think we are talking about emotions, that's why
8 I'm here.

9 Q You will agree that emotions are not identical with
10 mental processes?

11 A Yes, I would definitely agree that there is such a
12 thing as intellectualization and such things as affect or
13 emotion, and they are widely different.

14 Q You have heard it said that an emotion is something
15 that, by definition, is devoid of reason?

16 A Devoid --

17 Q An emotion.

18 A An emotion; that, by necessity, cannot be the same
19 thing as intellectualization or intellectual thinking, yes.

20 Q So the primary thing that we are talking about is
21 what was on his mind, not necessarily fear or hatred or any-
22 thing like that, but what was on his mind: Did he know, did
23 he understand, intellectually, that what he was doing was
24 wrong; that's the question that I would like you to address
25 yourself to.

26 A I think that he intellectually had a grasp, he was
27 doing wrong; but emotionally, it was no relevance whatever.

28 Q All right; but if Mr. Keith wants to talk to you

1 about emotions, he can do so on redirect examination. Okay?

2 A Um-hum.

3 Q But I would appreciate it, while I am talking, if
4 you will just talk about the mind. Okay, Doctor?

5 A I will try to separate them for you.

6 Q You will agree, then, that mentally, intellectually,
7 Mr. Watson knew that it was wrong to kill these people in the
8 eyes of society; will you agree with that?

9 A Intellectually, I think probably so.

10 Q And mentally so?

11 A Mentally is the total activity inside the mind;
12 that would have to include emotions, you see. The mental
13 activity is your total content of your thinking activities and
14 feeling activity at any given moment.

15 Q All right.

16 Would you define the word "intellectual" for the
17 jury?

18 A Intellectual? Let's see if they have a definition
19 here.

20 I do this for a reason, and that is that I think
21 that there is enough confusion in my area without my adding to
22 it.

23 Q I will put a ditto on that, but I'm not on the
24 witness stand.

25 A Here we go: Intelligence, the potential ability
26 of an individual to understand what he needs to recall and
27 to mobilize and integrate constructively previous learning and
28 experience in meeting new situations. The functional use of

1 intelligence is influenced by emotional factors, period.

2 Q There is certainly no question that the emotions
3 contribute to the ultimate formation of a state of mind.

4 A In our field we would say that they determine
5 what the state is.

6 Q No, emotions give a person the incentive to rob
7 or murder or rape; right?

8 A Right.

9 Q But we are not talking about that now; we are
10 talking about the ultimate state of mind.

11 Would you say that to intellectualize, in effect,
12 means to think?

13 A To intellectualize means to think in these
14 organized ways that this definition would submit.

15 Q So at the time of these murders Mr. Watson was
16 thinking in terms that what he was doing was wrong, in the
17 eyes of society?

18 A I would say that there was an intellectual content
19 to him that had that awareness. I will give you an example
20 to clarify it. I will use my apple pie example from before.
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Q I think it was a blueberry pie.

A Whatever, pie. The pie is there and you are hungry. You Id says, "Eat the whole pie."

Q Will you explain what Id is?

A It is an unconscious -- it is that part of you you are usually unaware of, a receptacle of your emotion, your emotional peculiarities. Your Id says to you, "Eat the whole pie," and your super ego says, "Don't touch it. You don't have permission," and your ego says, "Take one piece."

The thing that determines that decision essentially, at the very bottom, is a resolution between your intellectual controls and your emotional dictates. If you were starving, you would eat the whole pie, you see, and that is where the emotional aspect comes into the intellectual process.

Q What was it that made Mr. Watson stab these people? His Id, his ego, or super ego or what?

A I think in a profound sense it was his Id, material from his Id, loosened, shaken up, stimulated, of delusional and psychotic proportions.

I could give you, if you were interested, I could give you a lot of other reasons why I think that happened to him -- the dynamics of that decision or that absence of decision.

Q Well, perhaps Mr. Keith will ask you those questions. I don't want to go over all of the steps Mr. Watson took to avoid detection. I think you mentioned here, "Indeed he took precautions to prevent and was concerned with apprehension."

Perhaps I should read the clause before that.

1 "His behavior revealed that he was aware of
2 the wrongness of his actions. Indeed, he took
3 precautions to prevent and was concerned with
4 apprehension."

5 A Yes.

6 Q Without going over all the things he did, such as
7 telling Linda to throw the clothes and the knives over the
8 side of the hill and telling Diane Lake not to tell anyone --
9 he did these things in your mind because in his mind he
10 realized that society thought it was wrong?

11 A I think that is in part true.

12 Q Just one further point: You mentioned the word
13 schizoid.

14 A Yes.

15 Q That is a psychiatric term which does not mean
16 schizophrenic; isn't that true?

17 A Right.

18 Q It doesn't mean that at all, does it?

19 A No, it doesn't. Someone has torn out that part of
20 my book.

21 Q I might have it here. Actually, I just found it
22 here.

23 A That is it.

24 Q I wasn't trying to be thieving or anything.

25 A I trust you Vincent.

26 Q What is the definition of schizoid?

27 A Let's see if I can find it for you.

28 Q Halfway down the page.

1 A Maybe you did take it out. Schizoid is an adjective
2 and is described as traits of shyness, introspection and
3 introversion.

4 Q So a person could be schizoid and not be
5 schizophrenic or psychotic?

6 A Yes.

7 MR. BUGLIOSI: No further questions.

8
9 REDIRECT EXAMINATION

10 BY MR. KEITH:

11 Q However, you did make a finding that Mr. Watson
12 was psychotic?

13 A I think that he was suffering from a psychotic
14 delusional state at that time and psychotic as I defined it
15 last time, not in the sense of schizophrenic. He was not
16 schizophrenic at the time, but he was at the time functionally
17 psychotic.

18 Q What do you mean by functionally psychotic?

19 A The effect of his actions and his mental state at
20 that time was psychotic. It was inappropriate for functioning
21 in a normal society.

22 Q Doctor, you told us on direct examination that Mr.
23 Watson didn't even consider the rightness or wrongness in an
24 abstract level of what he was about to do. Like a soldier
25 in battle he went out to do his duty and he did it.

26 A Yes.

27 Q On cross-examination you told Mr. Bugliosi that on
28 an intellectual level he may well have had an awareness of that

1 what he was doing was wrong. Does that paraphrase you
2 correctly?

3 A I would say that there is a possibility on an
4 intellectual level he had some awareness. Intellectually he
5 may have known it was wrong.

6 Q When somebody intellectualizes you are thinking in
7 an organized logical way; is that correct?

8 A Yes. You can reach goal ideas. It is predictable.
9 There is a logic that you can demonstrate to the thought
10 process.

11 Q In the case of Mr. Watson, do you have an opinion
12 as to whether or not he was operating on an intellectual level
13 at the time of the homicides?

14 A No, I don't think he was operating on an
15 intellectual level at all. That is the point of my testimony.

16 I think that he was profoundly driven by his
17 emotional state and had been for months.

18 Q However, you did tell us that intellectually he
19 probably did have an awareness that it was wrong to kill
20 people. Do you mean that somewhere down deep inside him
21 intellectually he must have known by reason of his earlier
22 training?

23 A Of course. That content was there in his head,
24 but whether or not it was effective is another question.

25 Q Is it your opinion that on an intellectual level
26 it was not effective?

27 A I think that.

28 Q In other words, his intellect just wasn't operating?

1 A His intellect was obviously not sufficient to
2 restrain him. It is just that simple. It was not adequate.

3 He was not functioning within normal control and
4 hadn't been, as I say, for months and months.

5 Q Is it your opinion that he was intellectualizing
6 or operating on an intellectual level after the homicides
7 when purportedly he did certain things to avoid detection?

8 A I think those things were all rational behavior
9 within the world in which he belonged.

10 It was rational as a murderer to hide. It was
11 rational to avoid detection, but there is absolutely no
12 rationality in what he did, though. That was an irrational
13 type.

14 This young man was Mr. America. He was a football
15 hero --

16 MR. BUGLIOSI: I will move to strike that.

17 THE COURT: This is just characterizing. You don't
18 actually mean he was Mr. America?

19 THE WITNESS: No, obviously not. I am speaking, it is
20 as an adjective form.

21 He was an all American boy. He had lettered in
22 every sport. He had never done anything to transgress.

23 He had no awareness of any feelings or impulses
24 to transgress the behavioral rule set down for him.

25 He was solely out of touch with any part of him
26 that told him to misbehave.

27 This is until he suddenly, for reasons he couldn't
28 explain to himself, left this small town and came to California.

1 to lotus land, where he gets involved with drugs and sexual
2 licentiousness and a bizarrely different cultural life style
3 from that which he had left and he didn't understand that.

4 He didn't understand. He didn't even know what he
5 was looking for until he found it and then he felt what he had
6 found, but doesn't understand why he was looking for it --
7 still doesn't understand it, I don't think, why Manson had
8 such pervasive influence on him.

9 Q So, Doctor, in summation, or substance, is it your
10 opinion that on the level Mr. Watson was operating, he did not
11 appreciate that what he was doing was wrong or have the
12 knowledge or understanding?

13 A I think that wrongness was a totally irrelevant
14 concept to him at the time, had no importance to him.

15 Q However, on an unconscious level, or a level that
16 was suspended, an intellectual level that was suspended, he
17 did have an awareness that killing was against the dictates of
18 society and the law of society?

19 A I would think that his grown, or growing awareness
20 of these other aspects of his feelings about what he did, are
21 in part accountable for what happened to him just before he
22 went to Atascadero, that the depression he experienced at that
23 time, which was psychotic in proportion according to a number
24 of examiners, was a consequence of the breaking through of
25 his defenses, of the awareness of what he had done, but it
26 wasn't until that time that I think it was of real significance
27 to him, and that psychotic depression, I believe, was an
28 attempt on his part to deal with his own conscience.

1 Q And you do not find, I take it, anything
2 inconsistent in your conclusion that Mr. Watson did not
3 consider the rightness and wrongness of his act of killing
4 and his efforts either to conceal what he did or, let's say,
5 his lack of affirmative efforts or activity in telling every-
6 body what he had done?

7 A You know, this is really the same question that
8 you can raise with any behavior which is at variant or
9 against any kind of rule.

10 The husband who commits an infidelity -- and 65%
11 of the population does -- knows that what he is doing is not
12 right and has some part of him that feels guilt about it, but
13 that part is relatively suspended at the time, that his
14 emotional needs drive him to his misbehavior, and I think that
15 that is only more profound evidence in this situation.

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1 Q In other words, Mr. Watson was operating more on
2 an emotional level or entirely on an emotional level?

3 A Precisely.

4 Q Operating on an emotional level during these two
5 nights of murder rather than an intellectual level?

6 A I think he was in a profoundly regressed sense,
7 yes.

8 Q And in your opinion had Mr. Watson been operating
9 on this emotional level of awareness for some period of time
10 by reason of all the factors we have been discussing: Manson's
11 influence, drugs, et cetera?

12 A I think that he used all those circumstances and
13 influences to maintain himself in that state of regression.

14 Q When you use the term regression, what do you mean,
15 Doctor?

16 A I mean moving back from a level of one's current
17 or contemporary level of emotional operation to an earlier
18 level of emotional function, a more child-like level.

19 Q So in your opinion was Mr. Watson operating on
20 more of a child-like level during this period of time at the
21 Spahn Ranch?

22 A I think that he was in a psychotic sense Manson's
23 child, as the others were as well.

24 MR. KEITH: I have nothing further.

25 MR. BUGLIOSI: Your Honor, I have some recross and I
26 am sure there will be redirect. Does the court want to recess?

27 THE COURT: Go ahead.
28

RECROSS-EXAMINATION

1
2 BY MR. BUGLIOSI:

3 Q Are you aware, Doctor, of this man in Texas, or
4 student about 21 years old, who got up on the tower and
5 killed 12 people?

6 A Yes.

7 Q You are aware that he was an all American boy too
8 before that, aren't you?

9 MR. SUBRICK: I object. There is no evidence of that.
10 It is immaterial.

11 THE COURT: Sustained.

12 Q BY MR. BUGLIOSI: Now, you say that Mr. Watson's
13 intellect wasn't adequate to restrain what he did; is that
14 correct?

15 A His intellectual defenses, not his intellect --
16 intellect is a potentiality.

17 Q I thought you used the word intellect.

18 A No -- I may have.

19 Q His intellectual defenses were not enough?

20 A Yes.

21 Q This would be true of just about every person who
22 rapes or robs or murders; right?

23 A I would say probably no.

24 Q So it is not unusual at all, the mental processes
25 and functioning that Mr. Watson went through in this case, in
26 other words, it is not differentiated from other criminals?

27 A As I have said there is a similarity between the
28 unfaithful husband --

1 Q Right.

2 A -- and the murderer, but there is a difference in
3 degree.

4 Q Wouldn't you say that from birth the society in
5 which we live teaches us that it is wrong to hurt or kill a
6 fellow human being?

7 A Yes.

8 Q And this certainly was an ingrained innate part
9 of Mr. Watson's mind, consciously, subconsciously and
10 unconsciously; is that correct?

11 A Sure.

12 Q So when he was killing these people, he wasn't
13 perhaps intellectualizing it is wrong to do this, but he was
14 aware of it without even intellectualizing about it because
15 it was a part of him to know that it was wrong; isn't that
16 correct?

17 A No. You are confusing the fact that it may be in
18 one's mind, with one's awareness of it. I am saying that I
19 think he was out of touch with it in the sense of awareness
20 or consciousness.

21 Q You are saying, he may not have been thinking
22 about the wrongness of it at the time of his act?

23 A It was unconscious at the time of his act is what
24 I am saying.

25 Q He was not consciously thinking about the wrongness
26 at the time he killed these people?

27 A That is what I would say.

28 Q But he was aware of the wrongness?

1 A Aware in the sense of being unconscious of it?
2 You cannot be aware --

3 Q If he had stopped for a moment to think a moment,
4 he was aware of the wrongness of it, and this probably is
5 what caused him to take measures to avoid detection.

6 A I don't know if I can follow your conclusion.
7 You see you cannot be aware and unaware simultaneously. That
8 is mathematically logically impossible. You cannot be aware
9 of something unless you are conscious of it.

10 There is a limbo state that we call the pre-
11 conscious where perhaps some stimulus or something internal
12 will trigger it to release it into the conscious mind, but
13 I would say at the time of these events he was not consciously
14 concerned with such questions.

15 Q In other words, he didn't care about --

16 A No.

17 Q -- the right or wrong of what he was doing?

18 A To say that he didn't care would imply that he had
19 made an intellectual decision. I won't pay attention to that.

20 Q He wasn't thinking that it is wrong, right or wrong
21 to do this. He wanted to do it, is that correct? He wanted
22 to do it.

23 A Yes, he was driven.

24 Q But he knew that it was wrong to kill these
25 people.

26 A And he knew in the sense it was in his head or in
27 the sense he was conscious of it?

28

#19

1 Q Well, I think we can go round and round for hours
2 on this point, but I go back, Doctor, to the things that he
3 did to avoid detection, which you point out in your report:
4 "He was aware" -- that is your word -- "He was aware of the
5 wrongness of his actions; indeed, he took precautions to prevent
6 and was concerned with apprehension."

7 These are your words.

8 A May I continue? I think that needs some elaboration
9 which I provide in the report.

10 Q You talk about the folie a deux.

11 A And the suspension of the concept of right and
12 wrong.

13 Q Right, but you do not alter or change the phrase,
14 "That he was aware of the wrongness of his actions; indeed,
15 he took precautions to prevent and was concerned with
16 apprehension."

17 You don't indicate anywhere that you are changing
18 your position on that.

19 A And I really I understand, Mr. Bugliosi, the point
20 that you were trying to clarify here and I appreciate your
21 motives for it. I think they are good, but I will give you
22 an example of what I am trying to communicate here.

23 I had occasion to interview a soldier from Vietnam
24 who had killed and cut ears off his victims, which was part
25 of what the guys were doing, and he did it; and it is only now
26 that he is struggling with the consequences of that.

27 Now, I could say that he had an awareness of
28 the wrongness of what he was doing and that would be in part

1 true; but, in fact, that was functionally of no consequence
2 to him at the time of these events.

3 Q Right; apart from his awareness of the wrongness
4 of it, he satisfied disappointments and said, "I'm going to do
5 it anyway," just like the husband in the infidelity situation,
6 but --

7 A But it isn't the conscious act, it isn't the
8 situation of, "I'm going to think about it and weigh the
9 differences," or, "I'm going to oppress that, ignore that."

10 This is an operation that occurs in the unconscious;
11 it is automatic. Repression is an automatic psychological
12 defense, and I think that's essentially what happened to his
13 sense of right and wrong. It was gone from his conscious mind
14 and not from a decision that he made consciously.

15 Q Wouldn't you say it is in the unconscious because
16 there is no need for it to be in the conscious; in other words,
17 it is such an ingrained part of every human being to know that
18 it is wrong to kill someone that he doesn't even have to think
19 about it, it is not something that they have to say, "Now,
20 wait a while, is it right or wrong to kill?"

21 We know almost from birth that it is wrong, so
22 there is no need for it to be on the conscious level, it is
23 part of us?

24 A No, because unless it is conscious you are not
25 aware of it in the sense that we know awareness. Awareness
26 is the ability to be in touch with what is going on inside of
27 one's self and in the external world; and if you are not in
28 touch with that, it can be in the unconscious -- I deal with

1 patients who have murderous impulses in their unconscious
2 and don't become aware of it until after years of therapy,
3 something springs it loose.

4 Q You say in this report he knew right from wrong,
5 no man doesn't, no man --

6 A He knew it in the sense it was a part of him, but
7 I think it was a conscious part of him at the time of these
8 events --

9 Q It wasn't something he was sitting down with a
10 piece of paper and enumerating reasons for and against?

11 A Right.

12 Q And because it was part of him, this is why he
13 took measures to avoid detection; isn't that true?

14 A But probably without any awareness or planning
15 or thinking about it in the sense of, "I am going to do this;
16 I'm going to do that; I know this isn't right, but I'm going
17 to ignore that feeling inside of me."

18 I don't think he was operating at that level at
19 all.

20 Q Just like someone who robs a bank, it is the most
21 normal thing in the world for him to do, to take off like a
22 bird after he has committed the robbery. He doesn't have to
23 think, "Now, should I run?" It is just the most normal,
24 natural thing in the world for him to get the heck out of there;
25 right?

26 A Um-hum.

27 Q And this is basically what you have with Mr.
28 Watson, isn't it?

1 A I think he was acting out the role he was in.

2 MR. BUGLIOSI: No further questions.

3
4 REDIRECT EXAMINATION

5 BY MR. KEITH:

6 Q The role he was playing was the role that Manson
7 had given him; isn't that correct?

8 A The role that Manson had given him, and also the
9 role that he saw as essential to his remaining with Manson and
10 that environment and that world.

11 Q And did you consider in arriving at your opinion
12 the ultimate objective of the Manson family; Going to the
13 bottomless pit and living until the black-white war was over
14 and then emerging unscathed and ruling the world?

15 A Yes, I think that with the case of the others
16 there was more of a belief in that and more concern with
17 those beliefs, than even in the case of Watson. Watson was
18 always, as far as I can tell, somewhat confused by a lot of
19 that; but the thing that was important to him was Manson. It
20 was Manson's voice and Manson's presence, Manson's holding him,
21 Manson's rocking him like a baby; his amniotic feelings, in
22 the grasp of Manson, his ratification of it.

23 Q Excuse me, Doctor; generally Watson did accept
24 Manson's theories on black-white war, halter skelter, so forth?

25 A I think he would have accepted anything that Manson
26 said and, in fact, as far as anything I can determine, he never
27 disagreed with any instructions or points of view with Manson,
28 ever; or, did anyone else in his presence.

1 Q Helter skelter was an important part of Mr. Manson's
2 philosophy --

3 A If it was important to Manson, it was important to
4 Watson; but not for the same reasons.

5 MR. KEITH: I have nothing further.

6

7

RECROSS-EXAMINATION

8

BY MR. BUGLIOSI:

9 Q So Watson had some confusion about Manson's
10 concept of helter skelter?

11 A They were irrelevant; Manson was prattling
12 philosophy and Watson's connection with Manson was not
13 philosophical, it was emotional. Manson would take a knife
14 and -- from what I have been told and from what I have read --
15 actually, I have heard from one of the others to confirm it --
16 Manson would put a knife to his belly and say, "Can I kill
17 you?"

18 And Watson would say, "Yes," and wouldn't know
19 whether he would.

20 Q Where did you hear this?

21 A I heard it from him yesterday and I had heard the
22 same story from Leslie.

23 Q That is not in any report of yours?

24 A No, it will be in this one.

25 Q You also heard Manson to give these people a
26 knife and tell the people to kill him, you have heard that?

27 A Yes.

28 Q That he said, "If you want to, you can"?

1 A Yes.

2 Q It was kind of a game situation, wasn't it?

3 A I think we are just beginning to get into the
4 importance of these games that were going on there.

5 MR. BUGLIOSI: Right.

6 No further questions.

7 MR. KEITH: I have nothing further.

8 THE COURT: Thank you, Doctor, you may be excused.

9 Ladies and gentlemen, we will have a short recess;
10 and, once again, heed the usual admonition.

11 (Recess.)

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1 THE COURT: I take it both sides now rest; is that
2 correct?

3 MR. BUGLIOSI: Yes, the people rest.

4 MR. BUBRICK: Yes.

5 THE COURT: We have now completed taking all evidence in
6 this case and we will resume the argument at this time and
7 remember again what I told you that the argument of counsel
8 on either side is not evidence in this case. Who will open
9 for the defense?

10 MR. KEITH: I shall.

11 MR. BUGLIOSI: May we approach the bench?

12 THE COURT: Yes.

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

14 MR. BUGLIOSI: Since arguments are commencing, is now
15 the time to discuss this Rittger instruction, 54 Cal. 2d --

16 THE COURT: I am not going to give either one of them.
17 I don't think they belong there. I think No. 1 they are
18 covered by 4.00 and No. 2 I think that is an argument on the
19 facts.

20 MR. BUGLIOSI: But 4.00 just says he doesn't know right
21 from wrong. As to whose standards, it doesn't say. It doesn't
22 say that.

23 THE COURT: He doesn't know right from wrong. He must
24 not know right from wrong.

25 MR. BUGLIOSI: But as to whose standards though, Judge?
26 The California Supreme Court says --

27 THE COURT: The experts.

28 MR. BUGLIOSI: -- it is not his standard, it is the

standards of society.

THE COURT: You mean right from wrong as society knows it, but he is the one who must not know right from wrong.

MR. BUGLIOSI: But he must not know that society thinks it is wrong. Now, according to 4 it leaves that question unanswered and the argument could be made that he doesn't feel that it is wrong to do this according to his own standards and Rittger says he might have warped --

THE COURT: 4 will straighten it out. I think that is again a complete instruction and we have been giving it for years and I intend to give the same one.

MR. BUGLIOSI: I am not saying to not give 4. I think 4 should be given, but I am saying that the California Supreme Court's interpretation of that particular language would be very helpful to the jury, that a defendant's own distorted standards of right and wrong do not prevail if he knows that society thinks it is wrong irrespective of his own distorted --

THE COURT: You can argue that if you want.

MR. BUGLIOSI: I can argue it but it seems to me that the court should instruct the jury.

THE COURT: I am not going to give that instruction.

MR. BUGLIOSI: Okay.

#21

(The following proceedings were held in open court.)

THE COURT: I think I may say for the record, ladies and gentlemen, that all jurors are present, all counsel and the defendant are present.

You may proceed, Mr. Keith.

MR. KEITH: May the court please, distinguished counsel, ladies and gentlemen, as you undoubtedly are aware, inasmuch as the defense must convince you by a preponderance of the evidence that Mr. Watson was legally insane at the time of these homicides, I have the opportunity to address you initially because we do bear the burden of proof; and then I am sure Mr. Engliosi will answer my arguments and then Mr. Rubrick will close for the defense.

You will be interested to know that all of us will be brief. As a matter of fact, I don't intend to take more than a half hour at most, because you have been deluged with evidence and argument previously and I believe that you understand the issues, that you understand the concept of legal insanity, as narrow as it may be.

I think that Dr. Hockman, the last witness, expressed my views very succinctly and very articulately concerning Mr. Watson's legal insanity at the time of these offenses; and, therefore, many of the things I was going to say to you have been said very professionally and very profoundly by Dr. Hockman.

I hope you all understand that the causative factors culminating in these homicides are not simple. They are not everyday; they are something you will see once in a

1 lifetime, and then, perhaps only in a court of law, such as
2 you are now.

3 This was an exceedingly complex interrelation
4 of factors which produced these homicides, and I feel sure
5 you realize that. I don't think it is fair of you, or of
6 me, or for anyone to just say, "Well, Tex here, there is
7 evidence that he didn't want to get caught, there is evidence
8 that he tried to avoid detection; therefore, he knew it was
9 wrong and therefore he is not legally insane."

10 I don't believe that this approach will benefit
11 any of us. I believe it is far too simplistic and that we
12 must consider all of the factors, all of the manifestations,
13 all the circumstances that created Mr. Watson in the image that
14 you know he was on the nights of these murders.

15 I would ask you to consider, ladies and
16 gentlemen, in this issue of insanity, the grand scheme of Mr.
17 Manson.

18 I would ask you to consider, ladies and
19 gentlemen, the psychotic relationship that was created
20 between Manson and his family.

21 I would ask you to consider the submissiveness
22 of Manson's family toward him and toward his orders and his
23 thoughts and his concepts and his philosophy.

24 The story you have heard, ladies and gentlemen,
25 in this case, is probably stranger than any fiction that you
26 will ever read; but it happened, ladies and gentlemen.

27 The thought system that Manson inculcated in
28 his followers, the conditioning, the programming, leading to

1 these two nights of homicide did happen; and it is your job
2 to understand why, as best you can. I don't believe any of
3 us will ever have a complete insight, whether we are
4 psychiatrists, lawyers or whatever walk of life we may have.
5 I don't believe any of us will ever know fully or appreciate
6 what happened there, because we weren't there; and even if
7 we had been there we may have been able to fully appreciate
8 what occurred unless, perhaps, we were unbiased, objective
9 observers, and there aren't any of those people. There aren't
10 any witnesses like that.

11 It is an exceedingly difficult matter with which
12 you are faced, and in order to decide this issue of the case
13 properly we are all going to have to do our best to try and
14 understand, to try and gain some insight into the workings of
15 Manson in relationship to his family.

16 One thing we should all keep in mind, because
17 it is highly significant, is the very atmosphere at the Spahn
18 Ranch. It was laden with death, ladies and gentlemen; it has
19 been said that death was Charlie's trip, and death was
20 Charlie's trip.

21 His whole concept, his whole philosophy, I
22 submit, ladies and gentlemen, was grounded upon death and
23 killings. For example, Mr. Manson told his followers that
24 the establishment was dead and they believed it.

25 Mr. Manson told his followers that the pigs must
26 die, and they believed it.

27 He told his followers there is no sin, there is
28 no wrong, and they believed it.

1 He told them killing was right, particularly
2 the killing of pigs, because they were already dead and were
3 serving no useful purpose.

4 He told them over and over again that death was
5 beautiful, and they believed it. He taught his followers
6 to have no fear of death.

#22

1 He taught his followers that they must permit
2 their egos to die and they did so -- to destroy their
3 individualities, and his followers did so.

4 That helter skelter would kill them, ladies and
5 gentlemen. Without all the killing there would have been
6 no race revolution with ultimate victory certain of the blacks,
7 and Manson's family rising up again from the bottomless pit.

8 In short, ladies and gentlemen, to Mr. Manson's
9 followers, and to Mr. Watson, death and killing was not a state
10 to abhor. It was not a state to fear. It was a state which
11 they espoused.

12 You must also try to understand, ladies and
13 gentlemen, how Mr. Manson, with his dominating personality
14 and with his clever use of drugs, set about to destroy the
15 beliefs and the morality that once were held by his followers
16 and this he accomplished.

17 This he accomplished and I know it is hard for you
18 to conceive of it, but again it happened, and I think you
19 should also try to understand, ladies and gentlemen, the sort
20 of people that Manson was able to dominate: The weak, the
21 discontented, the runaways, the unhappy, insecure and unstable
22 groping people such as Mr. Watson.

23 Then perhaps, ladies and gentlemen, we will all
24 be in a position to understand just why Mr. Watson did what
25 he did. I will say again we may never know the entire reason
26 because we weren't there, but the why of it we must do our
27 best to tussle with and reach a conclusion, and the only
28 conclusion that appears to me from the evidence, and from the

1 medical testimony, to be appropriate, is that none of the
2 people, none of the people including Mr. Watson, believed that
3 what they set out to do was wrong, otherwise it makes no
4 sense.

5 There is no logic, no rationality in these
6 killings, unless you reach the premise, the understanding,
7 the insight that what Mr. Watson did was to him right, that
8 there was no wrong.

9 As Dr. Hockman said he was acting on an emotional
10 level. His intellectual capacity, as well as other members
11 of the family who participated, were submerged, were suspended,
12 were destroyed.

13 It would appear, ladies and gentlemen, that the
14 rightness of what Mr. Watson did must have been overwhelming
15 to him or else it would seem inconceivable that this farm boy
16 from Texas could have done it.

17 Bear in mind the manner in which he was brought
18 up in a religious family, in a rural community. Certainly
19 before he came to California, and even while in California
20 he held beliefs which militated against violence, and this
21 is provable, obviously, because he had no record of any
22 violent aggressive activity, no history or background of it.

23 So it is compelling, ladies and gentlemen, a
24 compelling conclusion that Mr. Watson wasn't somebody that
25 was born with killing in his heart or in his blood. He was
26 not that type of person. He is not now.

27 It is inconceivable, ladies and gentlemen, to
28 believe that Mr. Watson is a born killer, that he possesses a

1 diminished heart and a diminished soul except by reason of
2 the domination by Mr. Manson and of the systematic destruction
3 of Mr. Watson's mind, of Mr. Watson's values, and Mr. Watson's
4 morality by Manson.

5 Otherwise this would never have happened and he
6 would not be here. It may be difficult for you to realize
7 this is what happened.

8 It is difficult for anybody to understand the
9 pervasiveness of Mr. Manson's influence on these people to
10 the point of gladly going out and doing murder at his bidding.

11 It is inconceivable, bearing in mind the motive
12 in this case, the senselessness of the slayings, that Mr.
13 Watson's state of mind could be any other than that he was
14 doing society and the world a tremendous favor in fomenting
15 and inciting the black-white revolution.

16 Note that none of the conventional motives for
17 murder existed in this case. There was no thought of personal
18 gain, no hatred other than in the broad scheme of things where
19 members of Manson's family were generally anti-establishment,
20 but I think all of you will agree that Mr. Watson did not
21 personally hate any of the victims in this case.

22 Revenge was not a motive; of course, jealousy
23 not a motive; fear of apprehension not a motive.

24 In other words, none of the victims in this case
25 were killed because they had certain information against Mr.
26 Watson or anybody else in the family which if brought to light
27 would result in prosecution or arrest.
28

#23

1 The motivation in this case was so wierd, so
2 mystifying, so occult, that it escapes me how anybody could
3 reach a rational conclusion that Mr. Watson, himself, did not
4 believe in the rightness of what he was doing and paid no
5 heed whatsoever to the wrongness, as Dr. Hockman expounded
6 upon.

7 Mr. Bugliosi may tell you that he did things to
8 avoid detection, that he said things indicating that he did
9 not want to be caught; and, therefore, he must have known it
10 was wrong.

11 Let's assume he did, arguendo -- for the sake
12 of argument. We are certainly not conceding that.

13 Let's assume he did tell Linda Kasabian to wipe
14 the fingerprints off the knives, et cetera, et cetera.

15 Please consider such conduct, if you will, in the
16 light of the total scheme of things as dictated by Manson.
17 Don't -- don't, please don't consider what Mr. Watson may have
18 done or may have said indicating a lack of desire on his part
19 to be caught, to be apprehended, as, ipso facto, conclusive
20 evidence that he knew that what he had done was wrong. This
21 case isn't that simple, ladies and gentlemen; you know that.

22 I can't emphasize enough how conflict, how complex
23 the motivations were.

24 Mr. Bugliosi may well suggest to you that if Mr.
25 Watson were really legally insane and thought what he was
26 doing or had done was right and not wrong, that he would have
27 gone to the nearest residence and given himself up and told
28 the people there, "Here I am, I have just killed seven people

1 and I have come to your house to tell you all about it and
2 wipe the blood off."

3 In other words, Mr. Bugliosi may claim that Mr.
4 Watson's failure to confess to these offenses at the earliest
5 opportunity is evidence that he must have realized that what
6 he had done was wrong.

7 I suggest to you, ladies and gentlemen, that if
8 he had confessed at the earliest opportunity, if he had done
9 nothing or attempted to do nothing to conceal his identity
10 or the identity of the other perpetrators, that this would,
11 in fact, indicate an awareness on an intellectual level that
12 Watson's actions were wrong on his part.

13 When one confesses, one is, in effect, admitting --
14 is this not so, ladies and gentlemen? -- and admitting that
15 what one has done was wrong? Otherwise, there wouldn't be
16 any reason to confess.

17 Particularly in this case, it would appear to me
18 to logically follow that if I had committed a crime, and I
19 appreciate the enormity of it and I appreciate that what I
20 did was wrong, that I would have an overwhelming desire to
21 confess and get it off my chest, which is exactly what many
22 criminals do. I cannot see that Mr. Watson's failure to give
23 himself up at the earliest opportunity or take no steps,
24 allegedly, to conceal what he did -- or, I should say, not
25 to conceal what he did -- indicates any appreciation on his
26 part of the wrongness of what he did.

27 To the contrary, it would tend to indicate, ladies
28 and gentlemen, that he did not appreciate intellectually the

1 wrongness of what he had done, the enormity; that he did not
2 appreciate fully the nature and quality of his acts, if at all.

3 Remember, ladies and gentlemen, in considering
4 Mr. Watson's activities which, according to Mr. Bugliosi,
5 lead inescapably to a conclusion Mr. Watson was legally sane,
6 remember the killings were part and parcel of this idea on
7 the part of Mr. Manson to blame the black people for these
8 homicides; and, obviously, ladies and gentlemen, if white
9 people were caught or near the scene of the crime then not
10 only would the trail lead back to Manson but also the whole
11 schema would have to collapse, because then the black people
12 would not have been blamed for these homicides and helter
13 skelter would never have come into being.

14 This is a reasonable -- and we are dealing with
15 reason here -- a very reasonable explanation for why Watson
16 did what he did; and yet, according to Linda Kasabian, if
17 you want to believe her, took steps to conceal his crimes,
18 not because he had an intellectual awareness of what he did
19 was wrong, but because this would have exposed the whole
20 Manson idea of helter skelter; and, as Dr. Hockman put it,
21 he was Manson or Manson's child on these two evenings, as
22 well as the rest of the time he was at the Spahn Ranch.

23 The things that Tex did and the things that he
24 said, I suggest to you, ladies and gentlemen, were all done
25 on a primitive and delusional level in support of Manson's
26 helter skelter; that he was told, just as Dr. Hockman said,
27 to go out and do it and to get back to the Spahn Ranch; and
28 that the La Bianca's, to go in and kill them, "Don't cause any

1 "man," and to hitch-hike back to the Spahn Ranch, and he
2 carried out his functions as a soldier.

3 I suggest to you, ladies and gentlemen, that
4 whatever Mr. Watson did or said which makes you think or you
5 decide or conclude that he was trying to conceal his identity
6 and the identities of the other perpetrators, was not done
7 because he was in fear of apprehension for himself and for
8 the others nor because he was in fear of being arrested,
9 for himself.

#24

1 These things were done, as they were done, ladies
2 and gentlemen, to expedite helter skelter and make sure that
3 the plan to go to the bottomless pit was not wrecked.

4 I suggest, ladies and gentlemen, that in the
5 context of this case, in this case alone, perhaps not some
6 other case, but in this case, what Mr. Watson may have done
7 or may have said, whether to Linda Kasabian or Diane Lake or
8 to Barbara Hoyt can more logically be interpreted as evidence
9 that he thought what he was doing was right and that he had
10 no concern or no thought or no idea or no concept at this time
11 and at that place that what he was about to do, and what he
12 did was wrong.

13 If he told Diane Lake not to tell anybody about
14 his killing Sharon Tate, he did it because he wanted to get
15 to the bottomless pit and he wanted to implement Mr. Manson's
16 philosophy on the black-white revolution and the bottomless
17 pit and helter skelter.

18 If Mr. Watson told Diane Lake, or told Barbara
19 Hoyt not to tell anybody what they did or where they had been,
20 the explanation is not that Mr. Watson knew it was wrong. The
21 explanation in this case, and the circumstances in this case
22 was that Manson was going with the family to the bottomless
23 pit and he, Watson, wanted to get there.

24 You know how upset he was with the subject. When
25 he talked to David Neal, his oldest and best friend, helter
26 skelter is all he talked to him about.

27 When he called his mother from Olancho, all he
28 talked about was helter skelter was coming down fast. This was

1 Watson's obsession,

2 This was the heart of his diseased mind. This was
3 part of the delusional state.

4 It was part of the psychotic relationship between
5 Manson, Watson, and the rest of the family.

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#24A

1 If Watson was going to successfully accomplish
2 his mission, as he was ordered to accomplish by Manson, he
3 had to avoid apprehension and this is what he did -- to
4 implement, to carry out helter skelter, to begin it.

5 I believe, ladies and gentlemen, when Mr. Watson,
6 when Tex left the desert, that a change was beginning to take
7 place in him, a change similar to the change that he went
8 through for a period of time when he left David Neal and told
9 David how frightened he was of Manson and how frightened he
10 was of losing his identity as a person. Yet the Manson
11 magnetism drew him back and the same kind of change was
12 enveloping Mr. Watson.

13 He was getting insight into it at the time he
14 left Barker Ranch for Texas. However, I doubt if even now Mr.
15 Watson is able to appreciate intellectually the enormity of
16 what he did.

17 That is not for us to consider at this time. What
18 we are here to consider and determine, ladies and gentlemen,
19 is whether or not he was legally insane at the time and if
20 you find, regardless of the consequences, that Mr. Watson did
21 not know or understand that what he was doing was wrong, then
22 he was legally insane.

23 I may be repetitive but this whole case -- this
24 whole case makes no sense, it doesn't add up, bearing in
25 mind all the evidence you have heard, all the medical
26 testimony you have heard -- it makes no sense unless Watson
27 did in fact believe it was right to go out and kill at the
28 direction of Manson.

1 There is no question from all the evidence, ladies
2 and gentlemen, so far as my mind is concerned that Mr. Watson
3 paid no heed to the wrongness of it. He was not concerned
4 with that.

5 He was concerned, obsessed with the very rightness
6 of it. This is what Dr. Hockman in his very articulate fashion
7 was trying to impress upon you and it is true.

8 Certainly in his unconsciousness on an intellectual
9 level Mr. Watson, Tex, must have been aware that it was wrong
10 to kill.

11 But bear in mind what Dr. Hockman told us, that
12 Mr. Watson was not functioning on an intellectual level. He
13 could not.

14 His was a completely emotional level. His
15 ability to intellectualize had been destroyed, suspended,
16 numbed, submerged to his unconscious. This was not something
17 Charles was able to consider on these two evenings, or before,
18 because it was torn out of him.

19 You can call him many things, ladies and gentlemen.
20 Call him a killer if you want to, gullible, weak, stupid. He
21 had no feeling for the rights of others on the nights of these
22 homicides. He didn't, but, ladies and gentlemen, this man
23 was not operating in his right mind. He couldn't have been.

24 Everything he had ever learned from childhood
25 had been cleansed from his mind by the machinations of Manson.
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#25

1 Watson had no capacity, ladies and gentlemen, no
2 capacity to consider or realize the wrongness of what he was
3 doing. To him everything he did on those two nights was
4 right and within Manson's scheme, within Manson's orders,
5 within the concept of helter skelter and the concept of
6 death as preached by Mr. Manson.

7 Charles Watson, on the nights of these homicides,
8 ladies and gentlemen, was legally insane.

9 He had to be legally insane or else nothing in
10 this case makes any sense. This is the only explanation that,
11 I suggest to you, that you can possibly reach in your
12 deliberations about Mr. Watson's state of mind, his sanity
13 on those two nights.

14 I thank you.

15 THE COURT: Ladies and gentlemen of the jury, we will
16 complete argument in the morning on this case, at which time
17 I will instruct you on the law.

18 We will recess at this time until 9:30 tomorrow
19 morning.

20 Once again, do not form or express any opinion in
21 the case, do not discuss it among yourselves or with anybody
22 else, and please keep an open mind.

23 Tomorrow morning, 9:30.

24 (At 3:50 p.m. the jury was excused.)

25 (The following proceedings were held in open court
26 in the absence of the jury.)

27 THE COURT: Let the record show these proceedings are
28 being taken in the absence of the jury.

1 Miss, will you step forward, please?

2 For the record, will you state your name?

3 MISS LUCK: Yes, it is Janet Margaret Luck.

4 THE COURT: Janet Margaret Luck.

5 Do you care to give us where you live?

6 MRS. LUCK: Yes, I live in Riverside, California.

7 THE COURT: All right.

8 Will you be seated, please.

9 Sheriff's deputy, will you take the stand, please?

10 You may be seated there.

11 THE CLERK: Raise your right hand, please.

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

16 THE WITNESS: I do.

17
18 ROY BELTEA,

19 called as a witness by the court, having been duly sworn,
20 testified as follows:

21 THE CLERK: Thank you.

22 Take the stand and be seated.

23 State and spell your name, please.

24 THE WITNESS: Roy Belyea; B-e-l-y-e-a.

25 THE CLERK: Thank you.
26
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EXAMINATION

BY THE COURT:

Q You are a deputy sheriff, are you?

A Deputy sheriff, yes, sir, Los Angeles County.

Q And you are the bailiff assigned to this court?

A Yes, I am.

Q During the recess this afternoon you were charged with guarding Tex Watson, were you not?

A Yes, I was.

Q Did something unusual happen during the recess?

A Yes. I went to the back of the courtroom to get a drink of water. Deputy Heltzel was on the telephone. I turned my back for one minute and Janet Luck was sitting in the audience, I thought got up to leave; and came towards the defendant Charles Watson and at that point Deputy Heltzel evidently didn't see or notice right away to get Mrs. Luck away from Watson, and just as I turned around I went over and we got Mrs. Luck --

Q Did she touch Mr. Watson?

A Yes, she put her arms around him.

THE COURT: I see competent counsel in court here.

Mr. Solomon, you have a client, Mrs. Luck.

MR. SOLOMON: I have enough trouble --

THE COURT: Would you advise Mrs. Luck that there is a contempt proceeding against her and that she has her constitutional rights; she need not testify if she does not want to, it is up to her entirely.

Would you advise her, Mr. Solomon?

1 MR. SOLOMON: Surely.

2 THE COURT: Mr. Solomon, you heard the testimony of
3 Deputy Belyea, did you not?

4 MR. SOLOMON: No, Judge, I know from nothing. I just
5 walked in, Judge.

6 All I know is that, as I say, I don't know what
7 happened, Judge.

8 THE COURT: I have seen you do your best when you
9 "know from nothing."

10 MR. SOLOMON: If the court please --

11 THE COURT: You have consulted with your client, have
12 you not?

13 MR. SOLOMON: Yes, I have, your Honor, and there is
14 no objection against -- as I say, I don't know what took
15 place other than what she has told me.

16 Apparently she touched, she informs me, that she
17 did touch the defendant here, Grogen and that --

18 THE COURT: Watson.

19 MR. SOLOMON: Watson, rather, your Honor; and that it
20 was a gesture that she didn't know was not permitted, and
21 she looks upon him as -- I asked her if she was related to
22 him and she tells me that she looks upon him as a Christian
23 brother; and she has no objection, if the court pleases, to
24 state the reasons why she did what she did.

25 THE COURT: Do you care to testify, Mrs. Luck?

26 MISS LUCK: I will testify, but that's all there was
27 to it. There wasn't anything else to it.

28 MR. SOLOMON: Again, if the court please, in all fairness

1 to her, I don't know what transpired prior to my coming into
2 this courtroom --

3 THE COURT: Officer Belyea related that at the time we
4 declared a recess, I think Deputy Heltzel was on the phone,
5 she came through the gates and placed her arms around the
6 defendant Watson.

7 Mrs. Luck, do you care to take the stand, or don't
8 you?

9 MISS LUCK: Yes, I will take the stand.

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

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

14 THE WITNESS: Yes.

15
16 JANET M. LUCK,
17 called as a witness by the court, having been duly sworn,
18 testified as follows:

19 THE CLERK: Thank you.

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

22 THE WITNESS: Janet Margaret Luck, J-a-n-a-t;
23 M-a-r-g-a-r-e-t; L-u-c-k,

24 THE CLERK: Thank you.

25 THE COURT: Mr. Solomon, do you wish to question her?
26
27
28

EXAMINATION

BY MR. SOLOMON:

Q Did you know that you were not permitted to converse or touch the defendant Watson?

A No, I didn't know that was against the law.

Q When you were here, were you in the spectator section?

A Yes, I was just watching.

Q Did you know Mr. Watson prior to coming into court?

A I know Mr. Watson through the Holy Spirit.

Q I beg your pardon?

A I said I know Mr. Watson through the Holy Spirit.

Q Through the Holy Spirit?

What faith is that, may I ask?

A Christian.

Q Well, is there any --

A That's belief in the whole bible and Jesus.

Q Would you call that the Full Gospel?

A The Full Gospel.

Q And what did you say to Mr. Watson, if anything? What did you do?

A I said three words to Mr. Watson; I told him that I loved him, which I mean as a Christian love.

Q Again, you say you loved him as a Christian, meaning what?

A Well, meaning that I was sitting there and I felt like if I were sitting in his place I would want someone to

1 come and encourage me with the fact that he had love for me,
2 like that, because that -- that's how simple it was, very
3 simple.

4 Q In other words, everything was a religious
5 situation, spiritual?

6 A Well, it was a religious gesture.

7 Q Did you give him anything?

8 A No, I didn't give him anything. I put my hands on
9 his shoulders, that's all I did.

10 I'd like to apologize if I upset --

11 Q Did anybody instruct you not to speak -- by the
12 way, was this during a recess?

13 A It was during the recess.

14 Q The Judge wasn't on the bench?

15 A No, the judge was out of the room.

16 Q Were you ever here when the judge gave instructions
17 not to talk or touch the defendant?

18 A No, because I came in late and I have never heard
19 the judge say that.

20 Q Is this the first day that you have been here?

21 A Yes.

22 Q Do you live in Los Angeles?

23 A No, I live in Riverside, California.

24 MR. SOLOMON: That is all.

25 Q BY THE COURT: Where were you seated in the
26 courtroom?

27 A I was seated in the third row, approximately one
28 seat to the right of the lady in pink.

1 Q That's about the third seat, fourth or third seat
2 over; is that right?

3 A Right.

4 Q And what did you do then?

5 A What did I do?

6 Q Yes,

7 A I got up, walked through the doors, walked over
8 to Mr. Watson, and then that was all I did. I walked over
9 there and after -- I'm not, you know, I'm actually -- I'm not
10 trying to be, have any kind of attitude about this because
11 it was a very simple gesture and I wasn't aware of the law
12 about it.

13 Q But you did come through those gates, swinging
14 gates there?

15 A Yes.

16 Q Into the area reserved for counsel, and you did
17 put your arms on his shoulders, you say?

18 Was his back toward you?

19 A Yes, his back was toward me. He didn't say
20 anything.

21 THE COURT: Anything else?

22 MR. BUGLIOSI: May I ask just --

23 MR. SOLOMON: May I ask just one?

24 Q After this happened you were apprehended by the
25 deputy sheriff?

26 A Yes.

27 Q Did he search you?

28 A Yes -- well, I was searched.

1 Q You were searched; they looked through your purse
2 and everything?

3 A Yes.

4 Q Did you have anything on you?

5 A No, I didn't have anything on me.

6 MR. SOLOMON: In other words, the sheriff didn't remove
7 anything from you.

8 That's all.

9 Q BY MR. BUGLIOSI: Are you in any fashion
10 associated with Manson's family?

11 A In no way, because I don't consider that a family.

12 Q Well, do you know Sandra Good?

13 A No, I don't think.

14 Q Have you been at the corner of Temple and Broadway
15 at all recently?

16 A I walked across that corner to get here.

17 Q Have you stopped and talked with the girls on
18 the corner?

19 A About last week I said a few words to them. I
20 asked them who Mary Brunner is, because I don't know any of
21 those people; but I do know a few. I do know six of those
22 persons through the Holy Spirit.

23 Q You know them by their names?

24 A Yes.

25 Q What are their names?

26 A Susan Atkins, Leslie Van Houten, Patricia
27 Krenwinkel, Charles Manson, Robert Beausoleil and Mr. Charles
28 Watson.

1 Q The girls on the corner never sent you over here,
2 did they?

3 A No.

4 Q Is it Miss or Mrs.?

5 A Miss.

6 THE COURT: You may step down.

7 I believe she has committed a contempt of court,
8 but the question is what should be the penalty.

9 MR. SOLOMON: Your Honor, we have no proof, your Honor,
10 that she was apprised that she couldn't come in here, that
11 she couldn't talk to the defendant; and I don't know -- while
12 I don't know her well enough to go into her religious back-
13 ground, as far as we are concerned it is a religious situation.
14 She went up there and stated what the record indicates, and
15 because of her religious principles --

16 THE COURT: Well, something serious could have resulted
17 from such conduct. Fortunately, she had nothing on her that
18 she could give to the defendant, but you can see where serious
19 implications could have followed such a thing.

20 She will be found in contempt of court and
21 sentenced to one day in the county jail.

22 (At 4:25 an adjournment was taken until Tuesday,
23 October 19, 1971 at 9:30 a.m.)
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