

# EYE OF THE BEHOLDER: THE WRONGFUL CONVICTION OF CHARLES MILLES MANSON

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## I.

Imagine two crime stories. In the first, a commune of middle class, law-abiding young people living on the outskirts of Los Angeles were brainwashed by a dominating cult leader who ordered his followers to commit murders to usher in an apocalyptic race war. In his subsequent trial, the leader of the “kill-coven”<sup>1</sup> engaged in outrageous behavior because he thought that mainstream society was inferior to him and incapable of understanding.

In the second, a group of young, middle-class hippies, caught up in the summer of 1969, heavy drug use, and group contagion, committed the same murders. Afraid of the death penalty and having to face public responsibility for their actions, the murderers accused a mentally ill drifter, a delusional schizophrenic, whom the group had adopted as a mascot, of directing the murders. The only significant evidence implicating the drifter in their crimes was their claim that they were “following” him. The claims were given in exchange for leniency and immunity from prosecution for capital murder. Even prosecutors who charged the drifter conceded that he had not actively participated in the murders, proceeding to trial instead on the theory that he had commanded the others to commit the murders like “mindless robots.” The police and prosecutors went along because they wanted to “solve” and “win” the biggest case of their lives. The drifter’s

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1. ED SANDERS, *THE FAMILY 11* (Da Capo Press, 3d ed. 2002) (1971).

lawyer, caught up in the publicity of the original Los Angeles Case of the Century, was cited multiple times for contempt of court for his unprofessional and flamboyant behavior and presented little evidence in the drifter's defense. Out of the presence of the jury, the drifter proclaimed his innocence and condemned society for persecuting him. He engaged in disruptive behavior during his trial because he was psychotic and unmedicated. His apocalyptic obsessions were symptoms of his illness. Several of the murderers later recanted their claims of his involvement, explaining that they had fabricated the "mind control" story to escape the death penalty.

The first, of course, is the story of the "Manson Family" murders. The second story is, too.

The public image of Manson—a Svengali-like cult leader who brainwashed a group of ordinary, middle-class young adults into committing senseless murders—is deeply ingrained in the American consciousness. That image was initially cultivated in his trial, a trial in which the ratio of argument to supporting evidence was particularly high. After the trial, apparently for the benefit of those that had been living in caves, Vincent Bugliosi, one of Manson's prosecutors, regurgitated the official account of the murders in his best-selling trial memoir, *Helter Skelter*. Other best-selling books, including first-hand accounts by several of the murderers, followed. Today, Manson is more metaphor than mortal.

People do not just have a conception of Manson as the personification of evil. They are attached to it. For several years, I have been trying to get people to entertain the possibility that Manson might be innocent. We do, after all, live in the era of DNA exonerations, so the idea of innocent people serving life sentences is not inconceivable. Academics and practitioners, as well as the public, however, are not just convinced of Manson's guilt, they are unwilling to reconsider it. The idea that Manson may be another wrongfully convicted, poor, mentally ill defendant and the victim of that deadly trifecta of questionable prosecutorial ethics, ineffective assistance of counsel, and pretrial publicity is a nonstarter. It does not matter if the audience was alive for the murders (I was not), from Southern California (I am not), or even whether they know anything about Manson beyond his public persona (most do not), people do not want to hear the theory or the evidence in support of it.

If anything, the frenzied public condemnation of Manson has grown over time, even as first-hand memories of the long, hot summer of 1969 fade. At the time of Manson's trial, it was understood that the State of California did not have a very good case. The State's theory was not that he committed the murders, but rather that he commanded the murderers,

from afar, through mind control. The only thing linking him to the murders was the testimony of the murderers, whose version of events – Manson the brutal cult leader that they blindly followed and could not disobey – was patently self-serving, implausible, and contradicted at many points by other evidence. Over time, however, the thin reed on which Manson was convicted has become the trunk of a mighty oak. It is beyond question, beyond discussion. When I tell people that I suspect that he is innocent, they do not just disagree with me, they roll their eyes and refuse to listen.

Then, there are the matters of class and mental illness. In 1970, psychotic illnesses like schizophrenia were not as well understood as they are today, particularly among lay people. Much of what the State sold as “ideology,” “mind control,” and “programming” in 1970 fairly obviously constitutes symptoms of a serious mental illness today.

A similar observation can be made about the class and gender disparities that animated the trial of Manson and his young, attractive, middle-class, female “followers.” These are also topics about which society is better educated today—the role that socioeconomic and mental-health status can play in how people are treated, especially in the criminal-justice system. In 1970, however, it was inconceivable that a bunch of well-bred, college-educated young hippies would commit brutal murders without some “understandable” explanation. Surely, the poor, illiterate, ex-convict with whom they were living was at fault. But even with our more sophisticated understanding today of class disparity and implicit biases, people still do not want to talk about them in the context of Manson—how he was a mentally ill, homeless drifter, convicted and today an elderly inmate locked up for life by the say-so of privileged kids for whom he was an easy target.

## II. FACTS

One of the interesting features of the Manson Family story is the way that its facts, inferences, and conclusions interact. The inferences and conclusions are based on facts, but, if you strip them away and look only at the underlying facts, they are amenable to many interpretations. Manson’s autobiography is surprisingly consistent with other accounts of the “Family” and the murders, except for the final interpretation in which he is a cult leader rather than merely an associate of the murderers. It is possible that Manson was an evil and brilliant cult leader who commanded his followers to commit murders using mind control. There are facts to support the inferences that support that conclusion. But it is at least equally plausible that Manson was a delusional mentally ill mascot to a romantic

group of drug addled “revolutionaries,” who “dug” Manson’s delusional message but were not guided or controlled by it.

Strip away the interpretation, and here is what is known about the “Manson Family” and its crimes. Prior to the crimes, the group lived, intermittently, at Spahn’s Movie Ranch near Chatsworth, California, beginning in Spring 1968.<sup>2</sup> They numbered nineteen adults initially, later growing to thirty-five, with “many more” passing through.<sup>3</sup> Toward the end of 1968, they relocated to the Barker Ranch near Death Valley; then, a few months later, most of the group moved back to Spahn’s Ranch.<sup>4</sup>

On July 25, 1969, Robert Beausoleil, Mary Brunner, and Susan Atkins killed Gary Hinman, an acquaintance, in his home.<sup>5</sup> The police found several of the murderers’ fingerprints at the scene.<sup>6</sup> On August 6, 1969, the police arrested Beausoleil driving Hinman’s car, with bloodstains on his clothes and the murder knife tucked in the tire well.<sup>7</sup>

On Saturday, August 9, 1969, Charles Watson, Susan Atkins, Patricia Krenwinkel, and Linda Kasabian slaughtered the pregnant actress Sharon Tate and four houseguests (Abigail Folger, Steven Parent, Jay Sebring, and Voytek Frykowski), at her home in Bel Air.<sup>8</sup> The next day, Manson, Watson, Atkins, Kasabian, Krenwinkel, Leslie VanHouten, and Steve Grogan, a Spahn’s Ranch hand, went to the home of Leno and Rosemary LaBianca in Los Angeles.<sup>9</sup> Manson and Watson entered the residence, then Manson returned to the car and left with Atkins, Grogan, and Kasabian.<sup>10</sup>

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2. See IVOR DAVIS & JERRY LEBLANC, FIVE TO DIE: THE BOOK THAT HELPED CONVICT MANSON 15 (Thor Publ’g Co., new ed. 2009); CHARLES MANSON AS TOLD TO NUEL EMMONS, MANSON IN HIS OWN WORDS 139, 145 (1986) (hereinafter EMMONS).

3. EMMONS, *supra* note 2, at 142-43.

4. See *id.* at 149-57, 166-69.

5. See SUSAN ATKINS, CHILD OF SATAN, CHILD OF GOD 93-101 (1977); VINCENT BUGLIOSI WITH CURT GENTRY, HELTER SKELTER: THE TRUE STORY OF THE MANSON MURDERS 113-14 (1974); DAVIS & LEBLANC, *supra* note 2, at 13; SANDERS, *supra* note 1, at 183-85; TEX WATSON AS TOLD TO CHAPLAIN RAY, WILL YOU DIE FOR ME? 132-33 (1978) (hereinafter WATSON).

6. See WATSON, *supra* note 5, at 133-34.

7. See DAVIS & LEBLANC, *supra* note 2, at 147-48; EMMONS, *supra* note 2, at 193; WATSON, *supra* note 5, at 134.

8. See DAVIS & LEBLANC, *supra* note 2, at 7; PAUL WATKINS WITH GUILLERMO SOLEDAD, MY LIFE WITH CHARLES MANSON 202 (1979) (hereinafter WATKINS); WATSON, *supra* note 5, at 13, 109-10.

9. See DAVIS & LEBLANC, *supra* note 2, at 7-8; EMMONS, *supra* note 2, at 208; SANDERS, *supra* note 1, at 26; WATSON, *supra* note 5, at 13-14, 111, 147.

10. EMMONS, *supra* note 2, at 209-11.

Watson, Krenwinkel, and VanHouten remained, killed the LaBiancas, and hitchhiked home.<sup>11</sup>

On August 16, 1969, the police raided Spahn's Ranch on suspicion of auto theft and arrested members of the group for possessing stolen vehicles, but later released them.<sup>12</sup> On approximately August 27, 1969, Bruce Davis and Grogan killed Donald Shea, another hand at Spahn's.<sup>13</sup>

After the murders, the group fled back to Barker Ranch. On October 12, 1969, police raided Barker Ranch, capturing and arresting Manson and most of the "Family" for charges primarily relating to auto theft.<sup>14</sup> It was not until "flocks of reporters appeared" at Manson's preliminary hearing on the theft charges that he became a murder suspect.<sup>15</sup> California convicted Manson, along with Krenwinkel, Atkins, VanHouten (and later Watson), of murder and conspiracy to commit murder of the Tate-LaBianca victims.<sup>16</sup>

### *The Theory*

Contrary to what television and movies portray, real criminal cases rarely have smoking-gun moments. Instead, they are built of small pieces that individually have little meaning, but together are supposed to form a mosaic that leads, collectively, to one unavoidable conclusion. Consequently, when talking about a criminal trial, it is necessary to distinguish uncontroverted facts from contested versions of events from the ultimate conclusion that each side asks a jury (and the public) to draw. This is the difference between *evidence* and *argument*. Juries are routinely instructed not to treat lawyers' arguments as evidence, but rather only as illustration, and to decide cases on the evidence.<sup>17</sup> Lawyers, in turn, are permitted to argue inferences that are reasonably drawn from the evidence. The result is often two closing arguments that sound like they were written after two different trials. After a verdict, lawyers, jurors, and the public can lose sight of the distinction between evidence and argument, assuming that a trial proved the narrative of the winning side.

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11. See SANDERS, *supra* note 1, at 236-38.

12. See WATKINS, *supra* note 8, at 208.

13. See ATKINS, *supra* note 5, at 127; SANDERS, *supra* note 1, at 271-72.

14. See DAVIS & LEBLANC, *supra* note 2, at 8; EMMONS, *supra* note 2, at 219-20; WATKINS, *supra* note 5, at 240.

15. WATKINS, *supra* note 8, at 240-41.

16. See Judgment, *People v. Manson*, No. A267861 (L.A. Co. Sup. Ct. Dec. 13, 1971).

17. See, e.g., JUDICIAL COUNCIL OF CALIFORNIA CRIMINAL JURY INSTRUCTIONS CALCRIM No. 104 (2015) ("Nothing that the attorneys say is evidence. In their opening statements and closing arguments, the attorneys will discuss the case, but their remarks are not evidence. Their questions are not evidence. Only the witnesses' answers are evidence.").

According to the State (and Bugliosi in *Helter Skelter*), Manson was the “leader” of “a hippie cult known as the ‘Manson Family,’”<sup>18</sup> who “programmed” the murderers and “sent” them to kill.<sup>19</sup> According to journalists Ivor Davis and Jerry LeBlanc, the State’s theory was based on their book, *Five to Die*, which they wrote and published between when Manson was charged and tried.<sup>20</sup> The theory was that Manson was a “mastermind” who converted “pliable, mindless young followers” into “modern-day slaves and zombies,”<sup>21</sup> who committed the murders to accelerate the “uprising by blacks against whites,” which would usher in an era in which Manson would rule.<sup>22</sup> At other times, the State suggested that Manson had ordered the murders at the Tate residence in revenge against its former resident, Terry Melcher, the music executive, for failing to get Manson a record contract.<sup>23</sup>

The problem with this narrative was not that it was an unfair extrapolation from known events. It is one possible interpretation of the evidence. The problem is that, since the trial, the State’s narrative has become the official record, rather than one (partisan) interpretation of what is known for certain. Partly, this is probably a side effect of the reasonable-doubt standard – the assumption that, if the jury convicted Manson, the State’s narrative must have been “true.” It is also a function of publicity. When the lead prosecutor parlays his closing argument into a best-selling book and pitches it in a national media storm, it becomes harder to separate what is *known* from what is *described*.

Of course, it is not a coincidence that mind control became the official narrative. Without it, it would have been much harder for the State to convict Manson, since he did not kill anyone. The question is: if Manson did not “brainwash” and “control” the murderers, is he still guilty of conspiring in or facilitating their crimes? The answer is likely no.

There are several things about the State’s mind-control theory that are suspect. First, the brainwashing theory is implausible and self-contradictory at several points. It also fails the test of falsifiability, since its proponents use the theory as its own proof. For example, when Manson’s

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18. BUGLIOSI, *supra* note 5, at 113.

19. WATKINS, *supra* note 8, at 157-58, 198, 202, 212-13, 231.

20. *Five to Die* was based primarily on interviews with Watkins. See DAVIS & LEBLANC, *supra* note 2, at 12.

21. DAVIS & LEBLANC, *supra* note 2, at 62.

22. EMMONS, *supra* note 2, at 5-6.

23. See DAVIS & LEBLANC, *supra* note 2, at 23-24; EMMONS, *supra* note 2, at 5.

“followers” insist that they acted without his direction, that insistence is pointed to as evidence of his control over them.<sup>24</sup>

Second, even if the theory were plausible, it is based on the uncorroborated claims of individuals with strong self-interests in having it believed. The primary proponents of the mind-control theory were other Family members who were suspected of or charged in the murders. As Manson protested: “[Atkins], who had perhaps taken more drugs, created more scenes, inflicted more stab wounds, possessed the most perverted imagination, and desired more attention than anyone among our circle, told a story that project me as love itself, magic musicmaker, a devil, a guru, Jesus and the man who ordered her and others to kill.” The point of the brainwashing narrative was not just to inculcate Manson, but also to lessen the culpability of the others. Not only did its proponents face criminal liability for their role in the murders, they also had to face friends and family, the public, and their consciences, all of whom must have repeatedly asked how they could have helped in the horrific crimes. “Because we were brainwashed by a sociopathic cult leader” must have gone down more easily than “because we got caught up in our own hubris, play acting, and ideology, and nothing in the place where our consciences were supposed to be stopped us before it got out of control.”

Third, the image of Manson as a calculating cult leader is inconsistent with the overwhelming evidence of his delusional mental illness, most likely schizophrenia. It is also inconsistent with the class and power differential between him and his “followers.” His “philosophy” was not eloquent, compelling, persuasive, or sinister. It was evidently delusional and nonsensical, and he was probably the only one who believed it.

### *“Innocence”*

The type of innocence with which academics, lawyers, and judges are most familiar is that of agency. This is the innocence of the DNA exonerations. A man is convicted of rape, before forensic DNA analysis, on the basis of eyewitness identification and a blood-type match to semen taken from the victim. Years later, DNA testing conclusively excludes him as the source of the semen. This is not the type of innocence that applies to Manson. He is not the victim of mistaken identification. The real cult leader is not out there somewhere laughing.

Manson is innocent in a different, more nuanced and technical sense, a sense that is nonetheless probably just as, if not more, frequent in the

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24. See, e.g., DAVIS & LEBLANC, *supra* note 2, at 62.

criminal-justice system. This second type of innocence occurs when authorities have caught the intended person, but they are wrong about whether a crime occurred or that person's role in it.<sup>25</sup>

Manson was convicted of two types of crimes – murder and conspiracy. Conspiracy is an inchoate crime. It does not matter whether the criminal objective of a conspiracy is accomplished. The crime is the agreement. Any time that two or more people agree to do something criminal, as long as they really mean it, they have committed the crime of conspiracy.<sup>26</sup>

Like with other completed crimes, there are two ways that one can commit a murder – as a principal or an accomplice. Since the State did not maintain that Manson personally committed the murders, he was convicted of murder on an accomplice theory. In California, accomplices and principals have the same criminal liability.<sup>27</sup> So, if Manson knowingly and intentionally facilitated the murders, he was guilty of murder as an aider/abettor.<sup>28</sup> Knowing encouragement is the criminal act; the conviction is for murder.

Conspiracy and facilitation are specific-intent crimes. One is only guilty of conspiracy to commit murder if he agrees with others to kill someone, intends to enter into the agreement, and genuinely intends for the target to die.<sup>29</sup> In the case of aiding and abetting murder, it is not enough to help or encourage the principal to kill someone; one must do so knowing that she will go through with it and wanting her to do so.<sup>30</sup> Merely being present when a crime is planned or committed, or even knowing that the crime is about to occur and doing nothing to stop it, is not generally enough to make one an accomplice<sup>31</sup> or coconspirator.<sup>32</sup> For this reason, it is harder to convict conspirators and accomplices than principals – and for good reason. It is inherently harder to know what was in the mind of a person

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25. Manson likely was guilty of a host of crimes with which he was not charged, including drug distribution, theft, and statutory rape. *See, e.g., id.* at 118-21.

26. *See* CAL. PENAL CODE § 182 (West 2014) (defining a criminal conspiracy as “two or more people conspir[ing] [t]o commit any crime.”).

27. *See* *People v. Cook*, 72 Cal. Rptr. 2d 183, 187 (Ct. App. 1998).

28. *See* *People v. Stankewitz*, 793 P.2d 23 (Cal. 1990).

29. *See* *People v. Miller*, 53 Cal. Rptr. 2d 773, 779-80 (Ct. App. 1996).

30. *See* CAL. PENAL CODE § 190.2(b) (West 1990), *invalidated by* *People v. Sanders*, 797 P.2d 561 (Cal. 1990); *Tison v. Arizona*, 481 U.S. 137, 157-58 (1987) (establishing the federal constitutional standard for accomplice intent); *People v. Beeman*, 674 P.2d 1318 (Cal. 1984).

31. *See* *People v. Boyd*, 271 Cal. Rptr. 738, 748 n.14 (Ct. App. 1990); *Beeman*, 674 P.2d at 1318; *In re Michael T.*, 149 Cal. Rptr. 87, 89 (Ct. App. 1978).

32. *See* *People v. Toledo-Corro*, 345 P.2d 529 (Cal. 1959); *People v. Drolet*, 105 Cal. Rptr. 824, 831 (Ct. App. 1973).

who did not fire the gun than of a person who did, so the law requires greater certainty.

If Manson wanted the kids to commit the murders, he did not facilitate murder. If Manson helped or encouraged the kids to commit the murders but did not really want them to, he did not facilitate murder. If Manson knew exactly what they were planning to do, had the power to stop them, but did not because he did not care, he did not facilitate murder. There either had to be an explicit agreement between Manson and the murderers with murder as its purpose (conspiracy) or he had to give them actual assistance or encouragement with the purpose of seeing the murders happen (facilitating murder).<sup>33</sup> This is why Manson's prosecutors had to sell the brainwashing theory.<sup>34</sup>

### *Missing Links*

Despite the popular conception, the case against Manson was weak. The State struggled to come up with a motive for the murders.<sup>35</sup> When Bugliosi first "wanted to run with the Beatles' lyrics theory," his co-counsel, Deputy D.A. Aaron Stovitz, thought that it was too much of "a stretch."<sup>36</sup> The only physical act that the State alleged that Manson took in furtherance of the murders was to drive the car to the LaBianca home,<sup>37</sup> an act that alone is insufficient to make him complicit, in the absence of proof that he possessed the requisite mental state when he did so. All of the other work of proving Manson's complicity had to be done by the brainwashing theory.

Manson, for his part, has consistently denied complicity in the murders,<sup>38</sup> claiming that his "followers" acted on their own, Atkins and

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33. Manson has subsequently admitted to conduct that would make him an accessory after the fact to the murders (returning to the Tate residence and wiping off fingerprints), *see* EMMONS, *supra* note 2, at 207; but, unlike accessories who facilitate crimes before they happen, accessories after the fact are not guilty of the underlying crime. *See generally* People v. Cooper, 811 P.2d 742, 744-45 (Cal. 1991) (holding that Cooper, who acted as a get-away driver, was an accessory after the fact rather than an aider/abettor).

34. *See* People v. Booth, 56 Cal. Rptr. 2d 202, 206 (Cal. Ct. App. 1996) (holding that a defendant is guilty of aiding and abetting if s/he intended a crime to be committed and instigated or encouraged the perpetrator to commit it).

35. DAVIS & LEBLANC, *supra* note 2, at 10.

36. *Id.* at 11-12.

37. *See* Indictment, People v. Manson, No. A253156 (L.A. Sup. Ct. Dec. 8, 1969), Count VIII.

38. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (July 6, 1999) (on file with Author) (noting that Manson reported that he was in prison "for 'something [he] didn't do'"); California Department of Corrections, Forensic

Bugliosi framed him with their “Helter Skelter bullshit,”<sup>39</sup> and he is wrongfully convicted.<sup>40</sup> Manson, supposed egomaniacal cult leader, consistently denied giving orders to anyone in his “Family.”<sup>41</sup> He protested to Paul Fitzgerald, who briefly represented him and then Krenwinkel in their joint trial, that he “didn’t tell them to creepy crawl. They just did it.”<sup>42</sup> Manson testified during the Tate-LaBianca trial: “I have killed no one, and I have ordered no one to be killed.”<sup>43</sup> He told his lawyer: “My whole philosophy is based on one principle, you do what you think is right, and I do what I think is right. I don’t tell you what to do. My whole philosophy is based on everybody do what they think is right.”<sup>44</sup> Manson denies that there even was a “family,” a name given to the group when a reporter visited Spahn’s Ranch.<sup>45</sup>

One prison psychiatrist noted: “He generally made me understand that he did not command or program followers in killing anyone, and that as far as he was concerned, there is no such thing as the Manson Family.”<sup>46</sup> Manson told a second psychiatrist: “The District Attorney didn’t have no

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Psychological Evaluation of Charles Manson at Pelican Bay State Prison at 4 (Sept. 30, 1997) (on file with Author) (noting that Manson “continues to tell evaluators and those to whom he comes in contact with that he did not command or program anybody to kill anyone”); California Department of Corrections, Medical History of Charles Manson at CMF Hospital at 1-2 (Oct. 17, 1977) (on file with Author) (documenting Manson’s claim that he was wrongfully convicted).

39. EMMONS, *supra* note 2, at 12-13; California Department of Corrections, Medical History of Charles Manson at CMF Hospital at 2 (Oct. 17, 1977) (on file with Author) (noting that Manson reported being “a scapegoat” for family members covering up their own wrongdoing); California Human Relations Agency Memorandum (June 7, 1971) (on file with Author) (recounting how Manson denied involvement with the murders, including having ordered them, to the probation officer who prepared a sentencing recommendation in the Tate-LaBianca murder case). In 1986, in his “autobiography” (whose authenticity is somewhat problematic because Manson did not write it himself, but rather Nuel Emmons claims to have memorialized his interviews with Manson from memory without a tape recorder or contemporaneous notes), Manson admitted to having given vague suggestions and encouragement to the killers, but, even if recounted *verbatim* by Emmons, his admonitions may not have been enough, standing alone, to have formed a conspiracy with the murderers or to have aided and abetted the murders. See EMMONS, *supra* note 2, at 200-01, 211. Of course, the scope of Manson’s admissions in that regard, if they are authentic, are perhaps cagily self-serving, but, in any event, they did not form the basis of his convictions in 1971.

40. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson, Special Communication Assistance Needs (“SCAN”) (March 5, 2012) (on file with Author).

41. See SANDERS, *supra* note 1, at 141.

42. *Id.* at 372.

43. *Id.* at 430-31.

44. *Id.* at 394.

45. EMMONS, *supra* note 2, at 13, 149.

46. California Department of Corrections, Psychiatric Evaluation of Charles Manson at 1 (May 25, 1976) (on file with Author).

case on me because I wasn't part of those murders. I knew the people, knew the people at the ranch, but the District Attorney gave me a trial in the news media, not in the court."<sup>47</sup> According to a third psychiatrist:

[Manson] claims that he has no knowledge of the murder happenings as he was never on the scene at the time of these incidents. However on the witness stand it was stated that "[he] was conspiring, that [he] set the stage and others did the acting." He claims that he takes responsibility for a good portion of the crimes, and doesn't claim ignorance as an excuse. What he says to those around him, he feels was influential upon them but he at no time considered himself to be the king pen [*sic*] or the leader. They were all just a collection of people and not a family.<sup>48</sup>

The only significant evidence of Manson's complicity was the word of the murderers, beginning with Atkins, who told her cellmates that Manson was a "charismatic cult leader, a living Jesus, a guru possessing mystical powers strong enough to entice his followers to kill for him."<sup>49</sup> Atkins told Kasabian that they and Brunner had been "chosen" to go to Hinman's,<sup>50</sup> although she omitted Manson's alleged involvement when she confessed to the police.<sup>51</sup> Atkins claimed that Manson drove with them to the LaBianca house, although she conceded that he was "long gone" before the murders.<sup>52</sup>

Much of the other evidence is inconsistent with the portrayal of Manson as a cult leader, instigator, or facilitator. According to several accounts, including his own, Manson liked to leave Spahn Ranch and travel alone for significant periods of time around the time of the murders.<sup>53</sup> Danny DeCarlo, the leader of the Straight Satans motorcycle gang,<sup>54</sup> was in

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47. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson, Special Communication Assistance Needs ("SCAN") (Jan. 19, 2012) (on file with Author).

48. California Department of Corrections, Medical History of Charles Manson at CMF Hospital at 1 (March 20, 1974) (on file with Author).

49. EMMONS, *supra* note 2, at 5.

50. SANDERS, *supra* note 1, at 180-81.

51. See DAVIS & LEBLANC, *supra* note 2, at 162-63.

52. Susan Atkins & Lawrence Schiller, *Susan Atkins' Story of 2 Nights of Murder*, L.A. TIMES, Dec. 14, 1969, at A23.

53. See EMMONS, *supra* note 2, at 145.

54. See DAVIS & LEBLANC, *supra* note 2, at 117.

charge of the “gun room” at Spahn’s Ranch.<sup>55</sup> According to Manson, DeCarlo “taught the kids” to use guns.<sup>56</sup>

Beausoleil had previously lived at Hinman’s house and introduced Manson to him.<sup>57</sup> After Beausoleil was arrested for Hinman’s murder, he and VanHouten, Atkins, Kasabian, and Krenwinkel hatched the plan to commit “copycat murders,” in order to exculpate Beausoleil, while Manson was out of town.<sup>58</sup>

The women, primarily Atkins, invented the term “creepy crawly” to describe their campaign of burglaries that predated the Tate-LaBianca murders.<sup>59</sup> Atkins ordered the dark clothing that they wore to the Tate residence.<sup>60</sup> The knives that Kasabian and Atkins used during the Tate murders were Kasabian’s, two of the few possessions that she brought with her when she joined the Family.<sup>61</sup>

Watson told the other murderers that they were going to Melcher’s former residence after they were in the car heading there (without Manson), describing the setup of the house, giving them instructions for their “creepy crawl,” and informing them that “they were going to kill whoever was in the house.”<sup>62</sup> Watson had the only gun,<sup>63</sup> and he directed all of the group’s actions. He ordered Kasabian to case the house and “keep a lookout.”<sup>64</sup> He ordered Krenwinkel to turn out the lights.<sup>65</sup> He ordered Atkins to get a towel to tie up Frykowski, “scout the house for other people,” bring the rest of them into the living room, tie up Folger and Tate, kill Frykowski and Tate, and write “PIG” on the door.<sup>66</sup> Watson admitted that he “felt no remorse for the murders, no revulsion at the incredible brutality of the

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55. SANDERS, *supra* note 1, at 178.

56. EMMONS, *supra* note 2, at 185.

57. *See id.* at 135; SANDERS, *supra* note 1, at 23-24.

58. EMMONS, *supra* note 2, at 194; SANDERS, *supra* note 1, at 192-93. Manson claims that he “told them that the plan was crazy,” threatened to leave because he did not want to go back to prison, and stayed only because the girls begged him and had “given [him] the first real love and sense of belonging [that he] had ever known” and he “needed them.” EMMONS, *supra* note 2, at 194-95.

59. ATKINS, *supra* note 5, at 90; SANDERS, *supra* note 1, at 163.

60. *See* SANDERS, *supra* note 1, at 200.

61. *See id.* at 154.

62. *See* Atkins & Schiller, *supra* note 52, at A1; SANDERS, *supra* note 1, at 202.

63. *See* Atkins & Schiller, *supra* note 52, at A1.

64. SANDERS, *supra* note 1, at 207.

65. *See id.* at 212.

66. Atkins & Schiller, *supra* note 52, at A22; SANDERS, *supra* note 1, at 207-12, 216-17. Atkins claims that she held Tate down while Watson stabbed her. *See* Atkins & Schiller, *supra* note 52, at A22; *see also* SANDERS, *supra* note 1, at 216.

killings”<sup>67</sup> and that “‘it was fun’ to tear down the [Tate/]Polanski residence.”<sup>68</sup> Watson also personally stabbed the LaBiancas to death and carved “WAR” into Leno LaBianca’s chest.<sup>69</sup>

There was no evidence that Manson knew or had contact with Tate or the LaBiancas before the murders.<sup>70</sup> As for one of the State’s proffered motives, that Manson ordered the murders to avenge some slight by Melcher, Manson disputed that he had any hard feelings toward Melcher, who helped him financially.<sup>71</sup> According to Atkins, she had no idea who lived in the Tate residence, even when they were driving to the residence and committing the murders, and she did not think that Manson did either.<sup>72</sup>

Watson, on the other hand, had been to Tate’s house multiple times before the murders.<sup>73</sup> Melcher allowed Watson to borrow his car and credit card.<sup>74</sup> Dean Moorehouse saw Watson and Brunner driving to the house looking for Melcher.<sup>75</sup> After Melcher moved out of what would become the Tate residence, Watson continued to visit Moorehouse there repeatedly.<sup>76</sup> Watson also had the phone number of Tate’s husband, Roman Polanski’s previous residence in his address book.<sup>77</sup>

According to Watson, after the murders, Manson would ask him if he felt guilty and tell him that he should.<sup>78</sup> Atkins never spoke with Manson, alleged mastermind, about the murders afterwards.<sup>79</sup>

The two primary proponents of the Manson-Svengali theory, Atkins and Watson, were incredible as witnesses. According to Atkins’s parole officer: “Even while she was still a minor, she was well on her way to a career of minor confidence-style operations . . . .”<sup>80</sup> Atkins bragged about her ability to convince the police of her alias, Sadie Mae Glutz, “in perfect Arkansas accents.”<sup>81</sup> Watson also admitted to being an accomplished liar. When sheriffs pulled him over a few days after the murders, he gave them

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67. WATSON, *supra* note 5, at 13.

68. SANDERS, *supra* note 1, at 209.

69. *See id.* at 236-37.

70. *See* BUGLIOSI, *supra* note 5, at 103; SANDERS, *supra* note 1, at 332.

71. *See* EMMONS, *supra* note 2, at 148.

72. *See* Atkins & Schiller, *supra* note 52, at A1.

73. *See* WATSON, *supra* note 5, at 55, 81, 86.

74. *See* SANDERS, *supra* note 1, at 83; WATSON, *supra* note 5, at 81.

75. SANDERS, *supra* note 1, at 75.

76. *Id.* at 117.

77. *See id.* at 257.

78. *See* WATSON, *supra* note 5, at 25.

79. *See* Atkins & Schiller, *supra* note 52, at A22.

80. SANDERS, *supra* note 1, at 77.

81. ATKINS, *supra* note 5, at 73-74.

“an alias,” the name of a cousin who was a sheriff, thinking that “it was a pretty good joke, using [his] pig cousin’s name to fool pigs.”<sup>82</sup>

In the months between the murders and trial, Atkins told “varying versions” of the murders “to different sources, usually tailoring the tale to the desired effect . . . .”<sup>83</sup> All told, she described eleven murders besides the Tate-LaBianca crimes.<sup>84</sup> After she was arrested and charged with murdering Hinman, Atkins confessed to other inmates that “she, Bobby, and another girl” killed Hinman and that she and “two other girls and a man” killed Tate.<sup>85</sup> When her cellmate asked why, she replied that they “wanted to do a crime that would shock the world” and that they picked the place “at random.”<sup>86</sup> At one point, she claimed that “the impetus for the murders was . . . to get Beausoleil off” and, at another point, that Tate and Polanski had cheated Kasabian in a drug deal.<sup>87</sup> At a third point, she claimed that she “guessed” that Manson “instructed” her, Watson, Kasabian, and Krenwinkel through Watson.<sup>88</sup> Atkins admitted that the version of the murders that she told cellmates was “full of lies and innuendos.”<sup>89</sup> When detectives interviewed her about the Hinman murder, she blamed Beausoleil.<sup>90</sup> Her statement “did not implicate Manson.”<sup>91</sup> After a cellmate relayed her confession to the Tate murder to the L.A. D.A.’s Office, Atkins confessed again to the D.A., Grand Jury, and *L.A. Times*, then recanted.<sup>92</sup>

The only apparent mention of Manson was Atkins’s claim on one occasion that he “had given them instructions” before they left.<sup>93</sup> While Atkins at that point claimed that Manson had directed the Tate murders, when pressed, she clarified that he had not specifically instructed her to do anything other than to “do everything Tex [Watson] said to”<sup>94</sup> and that “she

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82. WATSON, *supra* note 5, at 17.

83. DAVIS & LEBLANC, *supra* note 2, at 166.

84. *Id.* at 167.

85. BUGLIOSI, *supra* note 5, at 106, 111-12.

86. *Id.* at 111-12.

87. SANDERS, *supra* note 1, at 257-58.

88. Atkins & Schiller, *supra* note 52, at A1, A22.

89. ATKINS, *supra* note 5, at 121.

90. *See* WATSON, *supra* note 5, at 160.

91. BUGLIOSI, *supra* note 5, at 103.

92. *See* WATSON, *supra* note 5, at 161. *See generally* Atkins & Schiller, *supra* note 52.

93. BUGLIOSI, *supra* note 5, at 112.

94. This is consistent with Manson’s version. *See* EMMONS, *supra* note 2, at 199-200.

had no knowledge of what was happening until [they] got there.”<sup>95</sup> Atkins also described many of the murderers’ actions as “spontaneous.”<sup>96</sup>

At trial, Atkins, Krenwinkel, and VanHouten proclaimed that Manson had nothing to do with the murders and they had been entirely Watson’s doing, but the jury was not permitted to hear their testimony.<sup>97</sup> They later testified absolving Manson during the penalty phase.<sup>98</sup> Catherine Myers Gillies and Catherine Share also testified that Kasabian, rather than Manson, planned the murders.<sup>99</sup>

There was never any significant evidence, other than the claims of group members, most notably Kasabian, that Manson “ordered” them to commit the murders or was present at the crime scenes. Watkins testified that Manson had subjected them to “programming techniques” and corroborated the prosecution’s claim that Helter Skelter was the “motive” for the murders.<sup>100</sup> Beausoleil testified that Manson gave the orders to kill Hinman and Melcher.<sup>101</sup> Watson and Kasabian testified that Manson gave them instructions for the Tate murders, although Watson also admitted to being high on amphetamines at the time, and Kasabian claimed that she thought that they were just going to burglarize a house in Beverly Hills.<sup>102</sup>

The individual accounts of the finger pointers contradicted one another, as well as extrinsic evidence. According to Ed Sanders, an enthusiastic proponent of the mind-control narrative, who studied the police map depicting the Tate residence, the scene discovered by police, including locations of bloodstains, was very different than the one described by the killers.<sup>103</sup> Contrary to Beausoleil’s claim that Manson ordered him to kill Hinman, other accounts suggested that he killed Hinman spontaneously, when he started to scream.<sup>104</sup>

“[S]everal versions of the story” of Shea’s death were “told and retold” among the group “so many times that . . . no one can really say what was fantasy and what indeed was fact,” but the “consistent” version included Shea’s decapitation.<sup>105</sup> During his trial for the Shea-Hinman murders,

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95. Atkins & Schiller, *supra* note 52, at A1.

96. *Id.* at A22.

97. *See* SANDERS, *supra* note 1, at 431; WATSON, *supra* note 5, at 161.

98. *See* SANDERS, *supra* note 1, at 447.

99. *See id.*

100. WATKINS, *supra* note 8, at 267.

101. *See* SANDERS, *supra* note 1, at 180, 190.

102. *See id.* at 201-02.

103. *See* SANDERS, *supra* note 1, at 425.

104. *See id.* at 183-84.

105. DAVIS & LEBLANC, *supra* note 2, at 114-15.

Manson even confessed to cutting off Shea's head.<sup>106</sup> Davis later claimed at his parole hearing that he had decapitated Shea on Manson's command.<sup>107</sup> When Shea's body was found years later, however, his head was still attached.<sup>108</sup>

### *Motivation*

Beausoleil left a fingerprint on Hinman's door with twenty-six points of identification, which was more than sufficient for a certain match,<sup>109</sup> along with a piece of paper with his name on it.<sup>110</sup> It was Beausoleil who claimed that Manson came to Hinman's house while he was holding him hostage, cut off Hinman's ear, and told Beausoleil that he "[knew] what to do."<sup>111</sup>

Watson and Krenwinkel left fingerprints, and Atkins left her bloody footprints and knife, at the Tate residence and a hair on the bloody clothes that she disposed of after the murders.<sup>112</sup> Eyewitnesses saw the four driving in a bloody car shortly after the murders and noted the license-plate number.<sup>113</sup> The police found blood matching Frykowski's blood type on Watson's gun.<sup>114</sup> Davis left a fingerprint on Shea's footlocker and purchased the gun that killed Hinman.<sup>115</sup>

Watson described the days following the murders as a time of "watching" and "waiting like an animal that knows the hunt's on."<sup>116</sup> He described buying a newspaper and relaxing when he realized that police did not suspect him.<sup>117</sup> He was increasingly uncomfortable with his casual contacts with police, but had nowhere to run.<sup>118</sup> Watson eventually fled home to Texas, where he retained a family friend as his attorney.<sup>119</sup> He then "tricked his parents out of some money" and fled to Mexico and

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106. See SANDERS, *supra* note 1, at 472.

107. *Id.* at 533.

108. See *id.* at 243, 496.

109. See *id.* at 187.

110. See *id.* at 188.

111. DAVIS & LEBLANC, *supra* note 2, at 156-57.

112. See Atkins & Schiller, *supra* note 52, at A22; SANDERS, *supra* note 1, at 211-12, 215-17; WATSON, *supra* note 5, at 120, 143-44, 160.

113. See Atkins & Schiller, *supra* note 52, at A22; WATSON, *supra* note 5, at 143-44; SANDERS, *supra* note 1, at 218.

114. See SANDERS, *supra* note 1, at 213.

115. See *id.* at 272, 325, 337.

116. WATSON, *supra* note 5, at 19.

117. *Id.* at 20.

118. See *id.* at 22-23.

119. See *id.* at 113.

Hawaii on a one-way ticket using a fictitious name.<sup>120</sup> After the others were arrested, he fled back to Texas.<sup>121</sup>

The police initially identified DeCarlo as a suspect in Hinman's murder, in part because he had bragged about the killing,<sup>122</sup> until they changed their focus to Beausoleil's girlfriend Catherine Lutesinger.<sup>123</sup> They arrested DeCarlo on theft and drug charges.<sup>124</sup> At the time, DeCarlo was appealing a prior conviction for drug smuggling.<sup>125</sup> While on bail, he attended a child custody hearing, and federal authorities arrested him on gun charges.<sup>126</sup> According to Sanders, these "mounting troubles" prompted DeCarlo to identify the "Manson Family" in the murders.<sup>127</sup> He testified against Beausoleil in the Hinman murder trial in exchange for immunity and a \$25,000 reward.<sup>128</sup>

When she was arrested during the raid at Barker Ranch, Lutesinger claimed that she was trying to "run away from the family," asked for protection, and was interviewed.<sup>129</sup> The police initially suspected that Lutesinger was the woman seen in Hinman's house near the time of his murder.<sup>130</sup> When they threatened her with the death penalty, she implicated Atkins and Brunner and claimed that she had "heard" that Manson sent Beausoleil and Atkins "to collect some money" from Hinman and that they killed him when he refused to pay.<sup>131</sup>

Threatening a suspect with the death penalty to induce a confession is unconstitutional,<sup>132</sup> but apparently that did not stop the police from doing so repeatedly in the Hinman, Tate, and LaBianca investigations. The police "intensely interviewed" group members "to get information incriminating Manson," invoking "the words 'gas chamber.'"<sup>133</sup>

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120. *Id.* at 154.

121. *See* WATSON, *supra* note 5, at 155.

122. *See* SANDERS, *supra* note 1, at 314.

123. *See id.* at 299.

124. *See id.* at 302.

125. *See* DAVIS & LEBLANC, *supra* note 2, at 159; SANDERS, *supra* note 1, at 302.

126. *See* SANDERS, *supra* note 1, at 302.

127. *Id.* at 302, 311, 314.

128. *See id.* at 314, 316.

129. *Id.* at 293; WATKINS, *supra* note 8, at 240.

130. *See* DAVIS & LEBLANC, *supra* note 2, at 162.

131. *Id.* at 162; SANDERS, *supra* note 1, at 298-99; WATSON, *supra* note 5, at 160.

132. *See, e.g.,* *Leyra v. Denno*, 347 U.S. 556, 559-60 (1954) (holding that an offer of leniency to a death-penalty defendant rendered his confession unconstitutionally involuntary); *Abram v. State*, 606 So. 2d 1015 (Miss. 1992) (holding that Abram's confession to capital murder was unconstitutionally involuntary when his interrogators obtained it by bringing up the death penalty and suggesting lenient treatment if he confessed).

133. SANDERS, *supra* note 1, at 317.

When the police arrested and interrogated Atkins, she admitted participating in Hinman's murder almost immediately.<sup>134</sup> Her attorney subsequently convinced her that the evidence against her *and Manson* was "overwhelming" and that she could only "hope to avoid the gas chamber" if she "made a *full* confession . . . ."<sup>135</sup> Atkins gave a lengthy account of the murders in exchange for immunity from the death penalty.<sup>136</sup> On the basis of Atkins's bargained-for confession, California charged Manson, Watson, Krenwinkel, Atkins, VanHouten, and Kasabian with murder and conspiracy, although Atkins later recanted.<sup>137</sup>

Kasabian was the star witness against Manson at the Tate-LaBianca murder trial.<sup>138</sup> She was granted full immunity in exchange for her testimony.<sup>139</sup> It was only after her immunity deal that Kasabian claimed that she did not report the murders because she was afraid of Manson.<sup>140</sup>

Watkins was a fugitive and wanted for dealing marijuana after being released pending trial to the custody of his parents.<sup>141</sup> He was "the source of considerable information" about Manson's "Satanist" connections.<sup>142</sup> Ella Jo Bailey (a.k.a. Sinder) testified against Manson for the Shea-Hinman murders in exchange for dismissal of forgery charges.<sup>143</sup>

Watson and VanHouten used claims that Manson "brainwashed" and "dominated" them to mount insanity defenses for the Tate-LaBianca murders.<sup>144</sup> At trial, Watson "admitted only what [he] felt [he] had to, what the prosecution already knew," denying killing Tate "since Bugliosi and a previous jury were convinced Susan Atkins had done it" and trying to "lay all the evidence of premeditation on Charlie or one of the girls."<sup>145</sup> "[S]ince all the other witnesses to the events outside the LaBianca house had said that Charlie went in alone to tie up the victims," Watson lied and "went along with that story, figuring it made [him] look that much less responsible."<sup>146</sup>

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134. *See id.* at 299.

135. *Id.* at 318 (emphasis added).

136. *See id.* at 325.

137. *See id.* at 325, 340.

138. *See id.* at 388.

139. *See id.* at 335; WATSON, *supra* note 5, at 112.

140. *See* WATSON, *supra* note 5, at 161.

141. *See* WATKINS, *supra* note 8, at 4, 9, 13.

142. SANDERS, *supra* note 1, at 351.

143. *See id.* at 472.

144. *See id.* at 497 (noting that, at her retrial, VanHouten called three psychiatrists to testify that she was not guilty because of her "diminished capacity"); WATSON, *supra* note 5, at 179.

145. WATSON, *supra* note 5, at 184.

146. *Id.* at 184.

The criminal law recognizes that the testimony of alleged accomplices is inherently untrustworthy: “[E]vidence of an accomplice, coming from a tainted source, the witness being . . . a man usually testifying in the hope of favor or the expectation of immunity, [i]s not entitled to the same consideration as the evidence of a clean man, free from infamy.”<sup>147</sup> Of course, the killers turned snitches were not the only ones with motivation to see Manson convicted for facilitating the murders. The “tremendous publicity and widespread fear generated by” the Tate-LaBianca murders created a lot of “pressure” to “‘hang’ the accused, whatever the circumstances.”<sup>148</sup> When the L.A.P.D. secured arrest warrants for Krenwinkel, Kasabian, and Watson for the Tate-LaBianca murders, they announced at a massive press conference that “the crime of the decade had been solved.”<sup>149</sup> The press had already “entered the investigation of Manson” at that point, and the *L.A. Times* had a page-one story about the “Manson Family” ready for press.<sup>150</sup>

### III. CRAZY IS AS CRAZY DOES

Rather than being a brilliant, powerful, and persuasive cult leader, the evidence suggests that Manson suffered from a delusional psychotic disorder, most likely paranoid schizophrenia.<sup>151</sup> By most accounts, Manson’s trial testimony betrayed “the subtle nuances of his madness.”<sup>152</sup> According to Fitzgerald, Manson’s memory during the trial of relevant events was “all sort of a blur.”<sup>153</sup>

Manson was first diagnosed with schizophrenia in 1963, when he was incarcerated for check kiting at the U.S. Penitentiary on McNeil Island.<sup>154</sup>

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147. See generally *People v. Coffey*, 119 P. 901 (Cal. 1911). For this reason, it is a longstanding rule in California that a defendant may not be convicted solely on the testimony of an alleged accomplice. See, e.g., CAL. PENAL CODE § 1111 (1872). A second accomplice may not provide the corroboration. See generally *People v. Dillon*, 668 P.2d 697 (Cal. 1983); *People v. Montgomery*, 117 P.2d 437 (Cal. 1941).

148. *WATSON*, *supra* note 5, at 163.

149. *WATSON*, *supra* note 5, at 158.

150. *SANDERS*, *supra* note 1, at 316.

151. See *EMMONS*, *supra* note 2, at 54. Manson’s grandfather and uncle both suffered from serious mental illnesses, and his grandfather was involuntarily committed to a mental hospital, where he died. See *EMMONS*, *supra* note 2, at 27.

152. *WATKINS*, *supra* note 8, at 270.

153. *SANDERS*, *supra* note 1, at 422.

154. California Department of Corrections, Forensic Psychological Evaluation of Charles Manson at Pelican Bay State Prison at 4 (Sept. 30, 1997) (on file with Author); California Department of Corrections, Psychiatric Evaluation of Charles Manson at California State Prison-

During the forty-plus years that Manson has been in CDC custody since the murders,<sup>155</sup> he has been diagnosed with several serious mental illnesses,<sup>156</sup> primarily paranoid schizophrenia<sup>157</sup> and chronic psychosis,<sup>158</sup> but also

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San Quentin at 1 (Aug. 30, 1985) (on file with Author); California Department of Corrections, Psychiatric Evaluation of Charles Manson at 1 (May 25, 1976) (on file with Author).

155. See, e.g., California Department of Corrections, Psych Screening Chronology of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility (March 8, 1984) (on file with Author). Manson has been in CDC custody for the Tate-LaBianca murders since April 22, 1971. *Id.*

156. California Department of Corrections, Secure Housing Unit Mental Health Screening (June 17, 1997) (on file with Author).

157. See, e.g., California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 1, 3 (March 20, 2014) (on file with Author); California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 3 (March 19, 2013) (on file with Author); California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 5 (Dec. 6, 2011) (on file with Author); California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 1, 5 (Sept. 13, 2011) (on file with Author); California Department of Corrections, History and Physical of Charles Manson at Corcoran Acute Care Hospital (Jan. 12, 2005) (on file with Author); California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 2 (Nov. 3, 1999) (on file with Author); California Department of Corrections, Forensic Psychological Evaluation of Charles Manson at Pelican Bay State Prison at 4-5, 14, 16 (Sept. 30, 1997) (on file with Author); California Department of Corrections, Brief Screening Report of Charles Manson at 2 (June 17, 1997) (on file with Author); California Department of Corrections, Psychiatric Evaluation of Charles Manson at Corcoran Acute Care Hospital at 1 (June 22, 1992) (on file with Author); California Department of Corrections, Psychiatric Evaluation of Charles Manson at California State Prison-San Quentin at 2 (Aug. 30, 1985) (on file with Author); California Department of Corrections, Neurological Consultation of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility-Vacaville (April 13, 1982) (on file with Author); California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 2 (Oct. 11, 1978) (on file with Author); California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 2 (July 31, 1978) (on file with Author); California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 1, 3 (Oct. 17, 1977) (on file with Author); California Department of Corrections, Consultant's Record of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 2 (Oct. 21, 1976) (on file with Author); California Department of Corrections, Narrative Discharge and Transfer Summary of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 2 (Oct. 9, 1976) (on file with Author); California Department of Corrections, Psychological Evaluation of Charles Manson at 1 (Aug. 27, 1976) (on file with Author); California Department of Corrections, Psychiatric Evaluation of Charles Manson at 2 (May 25, 1976) (on file with Author); California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility at 3 (March 20, 1974) (on file with Author) (opining that Manson "has undoubtedly been a schizophrenic person for a long time"); California Department of Corrections, Transfer Summary of Charles Manson (March 18, 1974) (on file with Author) (recommending Manson's transfer from Folsom State Prison to CMF because of the severity of his mental illness); California Department of Corrections, Psychiatric Evaluation of Charles Manson at 1 (Nov. 14, 1973) (on file with Author).

schizoaffective disorder,<sup>159</sup> “delusional disorder,”<sup>160</sup> “thought disorder”<sup>161</sup> with “grandiose” thought processes<sup>162</sup> “bizarre ideations,” and paranoid delusions,<sup>163</sup> bipolar disorder with psychotic features,<sup>164</sup> schizotypal personality disorder,<sup>165</sup> and paranoid personality disorder.<sup>166</sup> Prison psychiatrists have prescribed multiple psychotropic medications for Manson over the years.<sup>167</sup>

Manson has repeatedly been transferred to the CDC Medical (and psychiatric) Facility in Vacaville (“CMF”), initially after he was attacked

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158. *See, e.g.*, California Department of Corrections, Mental Health Interdisciplinary Progress Note of Charles Manson (June 7, 2000) (on file with Author) (noting “severe symptoms of psychosis”); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (June 30, 1999) (on file with Author) (describing Manson as “very psychotic”); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (April 1, 1999) (on file with Author) (describing Manson as “flagrantly psychotic”); California Department of Corrections, Forensic Psychological Evaluation of Charles Manson at Pelican Bay State Prison at 3-5, 13-15 (Sept. 30, 1997) (on file with Author) (noting Manson’s “history of psychosis”); California Department of Corrections, Psychiatric Evaluation of Charles Manson (Sept. 29, 1978) (on file with Author) (documenting intermittent psychotic episodes in the California Department of Corrections Medical (and Psychiatric) Facility Secure Housing Unit); California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 1 (Oct. 17, 1977) (on file with Author) (documenting that Manson’s “psychosis has been present for a long time”); California Department of Corrections, Request for Interview of Charles Manson at California State Prison-San Quentin Psychiatric Department (Sept. 5, 21, 1972) (handwritten psychiatrist’s notes on file with Author) (reporting that Manson was “overtly psychotic” and “deteriorating”).

159. *See, e.g.*, California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Jan. 19, 2005) (on file with Author).

160. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson at SCAN (Dec. 14, 2011) (on file with Author).

161. *See, e.g.*, California Department of Corrections, Mental Health Interdisciplinary Progress Note of Charles Manson (Oct. 11, 2000) (on file with Author).

162. California Department of Corrections, Mental Health Interdisciplinary Progress Note of Charles Manson (May 3, 2006) (on file with Author).

163. *See, e.g.*, California Department of Corrections, Interdisciplinary Treatment Team Minutes, Progress Note, and 60-Day Review, Treatment Plan (Dec. 12, 1997) (on file with Author).

164. *See, e.g.*, California Department of Corrections, Mental Health Interdisciplinary Progress Notes (Dec. 30, 2005) (on file with Author).

165. *See, e.g.*, California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson at SCAN (Oct. 24, 2012) (on file with Author).

166. California Department of Corrections, Central File of Charles Manson (May 25, 1992) (on file with Author).

167. California Department of Corrections, Forensic Psychological Evaluation of Charles Manson at Pelican Bay State Prison at 5 (Sept. 30, 1997) (on file with Author); California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 1-2 (Oct. 17, 1977) (on file with Author).

by Aryan Brothers at Folsom State Prison.<sup>168</sup> He spent most of his early years of imprisonment there, in the S-Wing of Seguin Unit, the intensive psychiatric segregation unit. Prison officials at CMF forcibly medicated him.<sup>169</sup> In 1985, the CDC diagnosed Manson with schizophrenia and transferred him to the Secure Housing Unit (“SHU”) at San Quentin.<sup>170</sup> In 1987, a psychologist recommended placing Manson in mental-health care, but his high-security status prevented the transfer.<sup>171</sup> In response, the Chief Psychiatrist recommended transferring Manson to the general population at another state prison, noting that, if he remained in the SHU, “it [was] very probable that he [would] psychiatrically deteriorate.”<sup>172</sup>

Countless psychiatrists, psychologists, and other mental-health professionals have evaluated Manson during his time in CDC custody, and there have been disagreements among them about both the nature and severity of his mental illness.<sup>173</sup> A review of all of Manson’s prison

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168. *See, e.g.*, California Department of Corrections, Final Discharge Summary of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility at 2 (Oct. 12, 1976) (on file with Author).

169. *See* California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson at SCAN (Sept. 13, 2011) (on file with Author).

170. California Department of Corrections, Forensic Psychological Evaluation of Charles Manson at Pelican Bay State Prison at 5 (Sept. 30, 1997) (on file with Author); California Department of Corrections, Mental Health Chronology of Charles Manson (Jan. 16, 1987) (on file with Author).

171. California Department of Corrections, Mental Health Chronology of Charles Manson (Jan. 16, 1987) (on file with Author). *See generally* Dohner v. McCarthy, 635 F. Supp. 408, 413 (C.D. Cal. 1985) (describing CDC’s mental-health classification system).

172. California Department of Corrections, Mental Health Chronology of Charles Manson (Jan. 16, 1987) (on file with Author).

173. *See, e.g.*, California Department of Corrections, Psychiatric Special Treatment Board Minutes at California Department of Corrections Medical (and Psychiatric) Facility (1976) (on file with Author) (noting that CMF staff members expressed doubt that Manson was “actually psychotic” even though several psychiatrists, the previous month, had found him to be “grossly” and “acutely psychotic, speaking in magical mystical phrases,” and suffering from paranoid schizophrenia); California Department of Corrections, Psychiatric Evaluation and Rx of Charles Manson (April 23, 1974) (on file with Author) (“[Manson] presents a varied picture to different observers. The feelings range from that of him being a well compensated chronic schizophreni[c] of a long-standing to one of complete absence of psychosis.”); California Department of Corrections, Sequin Unit Screening of Charles Manson (April 23, 1974) (on file with Author) (“There was some division of opinion as to whether [Manson] presented himself as psychotic or non-psychotic.”); California Department of Corrections, Psychiatric Consultation and Rx of Charles Manson (April 8, 1974) (on file with Author) (“In the past some staff members have felt [that Manson] does not need psychiatric attention but [the Staff Psychiatrist] feels [that he] is grossly psychotic.”); California Department of Corrections, Sequin Unit Screening of Charles Manson (April 8, 1974) (on file with Author) (“Psychiatrist present feels that [Manson] is presently psychotic. It was the feeling when last seen two weeks ago that he was not showing evidence of overt psychosis.”); California Department of Corrections, Sequin Unit Screening of Charles Manson (March 26, 1974) (on file with Author) (“[Manson] diagnosed in part as

psychiatric records, however, reveals a shift in his prevailing diagnoses over time. When he was first incarcerated, CDC staff largely viewed his psychiatric problems as “characterological”—*i.e.*, problems of character and personality like sociopathy or personality disorder—with few true psychotic symptoms like delusions and other forms of disordered thought.<sup>174</sup> In 1982, for example, the CDC Psychiatric Special Treatment Board (“STB”) diagnosed Manson with a “personality disorder” and concluded “that there was no reason to use antipsychotic drugs.”<sup>175</sup>

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Schizophrenia, paranoid type in poor remission. Since arrival here there has been no evidence of overt psychosis.”).

174. *See, e.g.*, California Department of Corrections, Classification Committee Program Evaluation of Charles Manson (Jan. 19, 1983) (on file with Author) (commenting that the “[c]onsensus of psychiatric staff” was that Manson was “not psychotic” and that his “social inadequacies” were “more related to personality disorders than to psychosis”); California Department of Corrections, Psych Screening Chronology of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility at 1 (Jan. 18, 1983) (on file with Author) (noting that a panel of CDC psychiatrists “came to the conclusion that Manson” “has never been a schizophrenic or psychotic” but rather was “a personality disorder”); California Department of Corrections, Psych Consult and Rx of Charles Manson (Nov. 24, 1982) (on file with Author) (noting that Manson “never showed overt psychotic symptoms” while he was in CMF custody and was diagnosed with a “personality disorder” as a result); California Department of Corrections, Psychiatric Special Treatment Board of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility (Aug. 12, 1982) (on file with Author) (noting that one psychiatrist consulting on Manson’s diagnosis found “no evidence . . . of a true thought disorder” and diagnosed him with a “personality disorder,” concluding that there was “no reason to recommend the use of any antipsychotic drugs”); California Department of Corrections, Outpatient Medical Record of Charles Manson (Aug. 3, 1982) (on file with Author) (noting that Manson’s “disjointed thought process seem[ed] to be deliberate,” concluding that he was “free of psychotic symptoms,” and questioning his “diagnosis of schizophrenia”); California Department of Corrections, Psychiatric Special Treatment Board Referral of Charles Manson (Aug. 3, 1982) (on file with Author) (acknowledging that Manson’s “ideas appeared disjointed [and] grandiose,” but concluding that “his disjointed thoughts seem to be deliberate” and questioning his “diagnosis of schizophrenia”); California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 3 (July 9, 1982) (on file with Author) (questioning Manson’s diagnosis of schizophrenia” because his “hallucinations and paranoia could have been drug induced” and his “tangential communication could be a manipulative behavior” and diagnosing him with a “nonpsychotic . . . character disorder”); California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 3 (July 9, 1982) (on file with Author) (questioning Manson’s diagnosis of schizophrenia” because his “hallucinations and paranoia could have been drug induced” and his “tangential communication could be a manipulative behavior” and diagnosing him with a “nonpsychotic . . . character disorder”); California Department of Corrections, Psych Screening Chronology of Charles Manson (July 7, 1982) (on file with Author) (commenting that Manson “did not exhibit any psychotic symptoms” during an interview and diagnosing him with a “personality disorder”).

175. California Department of Corrections, Unit IV Committee Program Review of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility at 1 (Dec. 29, 1982) (on file with Author).

A significant shift in his diagnoses occurred in 1997, when he was transferred from San Quentin to Corcoran State Prison, which triggered a review of his security classification, which included a psychological evaluation. After that evaluation determined that Manson was severely mentally ill, because he was “out of touch with reality” and would not stop rambling incessantly, the CDC transferred him to Pelican Bay State Prison to participate in the Enhanced Outpatient Program there.<sup>176</sup> When he got to Pelican Bay, a psychologist determined that he suffered from a psychotic disorder so severe that it precluded his placement in the SHU.<sup>177</sup>

Post-1997, a consensus seems to have emerged among CDC psychiatrists and psychologists that Manson suffers from a serious, organic, psychotic mental illness. Manson’s evaluations now present diagnoses of psychotic illness, such as schizophrenia, as his primary mental-health issue, with his social and character deficiencies being viewed as secondary. One prison psychologist noted: “Manson has a severe thought disorder in which his thoughts and perceptions merge, blend, and synthesize in an unrealistic manner, supporting a distorted identity, and interfering with his interactions with others.”<sup>178</sup> Prison psychiatrists have consistently documented symptoms of his psychotic mental illness, including uncontrollable agitation,<sup>179</sup> “loose,” “circular,” “and “tangential” thought processes<sup>180</sup> without a “clear linear trail of thought,”<sup>181</sup> “flight of ideas,”<sup>182</sup> “schizoid” “confused,” “scattered,” “disorganized,” “fractured,” “illogical,” or “distorted” cognition,<sup>183</sup> “bizarre” thoughts,<sup>184</sup> “magical thinking,”<sup>185</sup> or, as

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176. California Department of Corrections, Classification Chronology of Charles Manson (on file with Author).

177. California Department of Corrections, Forensic Psychological Evaluation of Charles Manson at Pelican Bay State Prison at 3 (Sept. 30, 1997) (on file with Author).

178. California Department of Corrections, Forensic Psychological Evaluation of Charles Manson at Pelican Bay State Prison at 3 (Sept. 30, 1997) (on file with Author).

179. *See, e.g.*, California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson at 3 (Jan. 19, 2005) (on file with Author).

180. *See, e.g.*, California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson (March 6, 2014) (on file with Author); California Department of Corrections, Brief Screening Report of Charles Manson at 1 (June 17, 1997) (on file with Author) (noting that there were indications that Manson had a “thought disorder” because he believed that other people could read his mind).

181. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson (Oct. 7, 2009) (on file with Author).

182. *See, e.g.*, California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 3 (June 26, 2008) (on file with Author) (noting that Manson’s “attention” “tends to jump from subject to subject”); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Jan. 24, 2005) (on file with Author).

183. *See, e.g.*, California Department of Corrections, Interdisciplinary Progress Notes—Group Treatment Note of Charles Manson (April 9, 2014) (on file with Author); California Department

one provider described it, “a plethora of imagery but a lesser amount of logic.”<sup>186</sup> Another provider noted: “Thoughts are like popcorn – one after another.”<sup>187</sup> A third explained: “It is near[ly] impossible to engage [Manson] in a clear conversation. He thinks loosely and metaphorically.”<sup>188</sup> For example, one entry in Manson’s CDC records reads:

[Manson] was quite talkative, explaining how Japan had not really attacked Pearl Harbor but that the raid was related to the Flying Tigers supply line. He expounded on the fighting between China and Japan and stated their goal was to “wipe out the white man – divide and conquer.” He spoke disjointedly about how everyone, dead and alive, was part of the great spirit (God) and there was no dividing line between people. He talked of being “the greatest killer in the world.” When reminded that he had always claimed that “I never killed anyone,” he responded, “Well, I just didn’t do it myself. I control the strings.”<sup>189</sup>

He was prescribed Seroquel (quetiapine), an antipsychotic medication typically used to treat schizophrenia, for a short period in the 2000s,<sup>190</sup> but

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of Corrections, Psychiatric Evaluation for the Board of Prison Terms of Charles Manson at California State Prison-San Quentin at 2 (Aug. 30, 1985) (on file with Author) (noting that Manson’s “capacity to organize his thinking” and “judgment” were “relatively severely impaired”); California Department of Corrections, Internal Medicine Consultation—Outpatient Medical Record of Charles Manson (March 29, 1982) (on file with Author) (noting Manson’s typical “schizoid thinking with parables, hyperboles, religious rhetoric, etc.”).

184. See, e.g., California Department of Corrections, Interdisciplinary Progress Notes—Group Treatment Note of Charles Manson (April 9 2014) (on file with Author).

185. See, e.g., California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 3 (Dec. 6, 2011) (on file with Author).

186. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson (June 21, 2010) (on file with Author).

187. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (April 21, 2006) (on file with Author).

188. California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 2 (Jan. 26, 2006) (on file with Author).

189. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson (May 9, 2011) (on file with Author).

190. See, e.g., California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson at SCAN (Dec. 12, 2012) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (July 19, 2005) (on file with Author); California Department of Corrections, Physician’s Orders of Charles Manson (June 23, 2005) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (June 2, 2005) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (May 3, 2005) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (April 12, 2005) (on file with Author); California Department of Corrections, Physician’s Orders of Charles Manson (April 3, 2005) (on

he generally refuses to take psychotropic medication<sup>191</sup> or admit that he suffers from mental illness.<sup>192</sup> As a result, the CDC has deemed him “too severely disturbed to benefit from [recreational therapy].”<sup>193</sup>

Today, he is back at Corcoran, but he continues to be in the care of the CDC Mental Health Services Delivery System, housed in a special psychiatric unit.<sup>194</sup> His treatment plan primarily consists of “reality reintegration.”<sup>195</sup>

The more recent diagnostic focus on a psychotic mental disorder like schizophrenia seems more appropriate in light of Manson’s longstanding and extensively documented psychotic symptoms. Even CDC psychologists and psychiatrists who disagree with Manson’s current diagnosis of severe, chronic psychosis nonetheless document symptoms consistent with it (which are not explained by the existence of a personality disorder).<sup>196</sup> For example, in one recent progress review, a psychiatrist

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file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (March 1, 2005) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Feb. 1, 2005) (on file with Author); California Department of Corrections, Physician’s Orders of Charles Manson (Jan. 29, 2005) (on file with Author); California Department of Corrections, Narrative Discharge and Transfer Summary of Charles Manson at Corcoran Hospital (Jan 18, 2005) (on file with Author); California Department of Corrections, Physician’s Orders of Charles Manson (Jan. 18, 2005) (on file with Author); California Department of Corrections, Psychiatric Progress Note of Charles Manson at Corcoran Acute Care Hospital (Jan. 13, 2005) (on file with Author).

191. *See, e.g.*, California Department of Corrections, Interdisciplinary Progress Notes—Interdisciplinary Treatment Team Summary of Charles Manson (March 20, 2014) (on file with Author).

192. California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 1 (June 12, 2012) (on file with Author); California Department of Corrections, Mental Health Treatment Plan of Charles Manson (Dec. 6, 2011) (updated March 13, 2012) (on file with Author).

193. California Department of Corrections, Mental Health Crisis Bed Interdisciplinary Progress Note of Charles Manson (Jan. 13, 2005) (on file with Author).

194. *See, e.g.*, California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 1 (March 20, 2014) (on file with Author).

195. *See, e.g.*, California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (March 13, 2012) (on file with Author).

196. California Department of Corrections, Mental Health Interdisciplinary Progress Notes at SCAN (March 5, 2012) (on file with Author) (documenting delusions and diagnosing a “delusional disorder,” but concluding that Manson had “no acute psychiatric issues”); California Department of Corrections, Psych Screening Chronology of Charles Manson (July 7, 1982) (on file with Author) (noting that Manson “was grandiose and [went] off tangent to the point of appearing loose” during a psychiatric interview, but concluding that Manson “did not exhibit any psychotic symptoms” and diagnosing him with a “personality disorder”); California Department of Corrections, Psychiatric File of Charles Manson (March 9, 1976) (on file with Author) (noting that Manson suffered from “bizarre and idiosyncratic” thought processes, used “metaphors and symbols freely,” and was “guarded,” but concluding that he did not suffer from “fixed delusions” because none were “elicited” during the psychiatric interview and Manson was “not excessively

noted that Manson's thought content was "magical," he experienced delusions involving "thoughts of power" and claimed to have "spiritual powers," and his speech was "strange," but concluded that his symptoms did not exist to the "degree of psychosis."<sup>197</sup> Another psychiatrist noted Manson's "delusions of grandeur and influence with Messianic features" and acknowledged the inability to "rule out ambulatory Schizophrenia, paranoid type" but nonetheless diagnosed Manson only with "personality disorder."<sup>198</sup>

### *Disorganized Speech*

Schizophrenia is characterized by delusions, hallucinations, disorganized speech, bizarre behavior, and other symptoms that cause dysfunction.<sup>199</sup> The speech of individuals suffering from schizophrenia is often illogical and incoherent.<sup>200</sup> Ideas are juxtaposed with no conceivable

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suspicious") (handwritten note); California Department of Corrections, Psychiatric Evaluation of Charles Manson at 1 (Nov. 14, 1973) (on file with Author) (finding that Manson "does not reveal any gross perceptual disorganization" even though "he is suspicious and reveals a pervasive fear for his life" and "shows reaction fear, paranoid ideation"); *see also* California Department of Corrections, Outpatient Medical Record of Charles Manson (Nov. 29, 1983) (on file with Author) (noting that Manson's "[s]peech content" was "either intentionally vague and obscure or [evidence of a] thought disorder"); California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 3 (July 9, 1982) (on file with Author) (questioning Manson's diagnosis of schizophrenia" because his "hallucinations and paranoia could have been drug induced" and his "tangential communication could be a manipulative behavior"); Memorandum from the Chief Psychiatrist at San Quentin (Sept. 4, 1975) (on file with Author) (noting that Manson "appeared very psychotic" when staff would talk to him but suggesting that he might be "pretend[ing] to be much more crazy than he is in reality"); California Department of Corrections, Psychiatric Special Treatment Board Review of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility (Sept. 25, 1974) (on file with Author) ("He states that he passes the time using his imagination to see things, especially lights, and imagines music, but is aware that he is doing it with his own mind himself and that it is under his own control and is not of a hallucinatory nature.").

197. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson at SCAN (Oct. 24, 2012) (on file with Author) (noting "spiritual, magical" thought content, delusions involving "subtle thoughts of power," claims of "spiritual powers," and that "strange" speech but concluding that Manson's thought processes were "essentially organized," his symptoms did not exist to the "degree of psychosis," and there was "no clear indication" that psychotropic medication was warranted).

198. California Department of Corrections, Psych Screening Chronology of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility (March 8, 1984) (on file with Author).

199. *See* AM. PSYCHIATRIC ASS'N, DIAGNOSTIC AND STATISTICAL MANUAL OF PSYCHIATRIC DISORDERS 87 (5th ed. 2013) (hereinafter "DSM-V").

200. *See* AM. PSYCHIATRIC ASS'N, DIAGNOSTIC AND STATISTICAL MANUAL OF PSYCHIATRIC DISORDERS § 295.10, -.20, -.30, -.90 (4th ed. 2000) [hereinafter "DSM-IV-TR"].

connection.<sup>201</sup> Typically, individuals suffering from schizophrenia are oblivious to the disorganization of their speech and make little effort to clarify.<sup>202</sup> Members of Manson's prison treatment team have described his speech as "word salad."<sup>203</sup>

Manson's "followers" and the chroniclers of their tales have repeatedly documented his disorganized speech, although apparently without recognizing it as a symptom of his serious mental illness. Manson was famous for his "gobbledygook," "a series of meaningless phrases that he repeated . . . all the time."<sup>204</sup> Davis and LeBlanc describe Manson's "gobbledygook that made absolutely no sense" but somehow, according to them, nonetheless "bamboozled the befuddled followers."<sup>205</sup> According to several Family members, Manson's trademark expression was "No sense makes sense."<sup>206</sup>

Atkins described Manson's ideology as "wild talk."<sup>207</sup> According to Watkins, few people "could ever compete with Charles Manson when it came to laying down a rap – winding one sentence on top of another from some infinite unfathomable coil of associations. . . . [And] the logic was never precise – invariably shot through with non sequiturs and bizarre anecdotes . . . ."<sup>208</sup>

After their arrests, Manson and Atkins were permitted to meet once in the presence of their attorneys. During the meeting, Manson employed "an amazing spew of gibberish" so nonsensical that police suspected a secret language.<sup>209</sup> Atkins described it as "a sort of doubletalk, with real words dropped in every now and then."<sup>210</sup>

Manson's prison providers have documented similar symptoms, frequently describing his responses as "loose," "rambling," "tangential," "scattered," "derailed," "disjointed," "digressing," "disoriented," "disorganized," "babbling," "confused," "illogical," "incoherent,"

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201. *See id.*

202. *See id.*

203. California Department of Corrections, Mental Health Interdisciplinary Progress Notes on Charles Manson (Jan. 18, 2005) (on file with Author); California Department of Corrections, Report of Injury or Unusual Occurrence of Charles Manson (Oct. 28, 2000) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes on Charles Manson (Mar. 3, 1999) (on file with Author).

204. DAVIS & LEBLANC, *supra* note 2, at 101.

205. *Id.* at 96.

206. ATKINS, *supra* note 5, at 100; WATSON, *supra* note 5, at 64.

207. ATKINS, *supra* note 5, at 166.

208. WATKINS, *supra* note 8, at 34-35.

209. SANDERS, *supra* note 1.

210. ATKINS, *supra* note 5, at 166.

“nonsensical,” “weird,” “bizarre,” inappropriate, and “psychotic verbiage in a stream of consciousness presentation,”<sup>211</sup> “jump[ing] from topic to topic”<sup>212</sup> “with few, if any, connections between different statements.”<sup>213</sup> One staff member documented his “total disoriented babble.”<sup>214</sup> Another noted his use of an “unfamiliar language” during therapy.<sup>215</sup> A third

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211. *See, e.g.*, California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (Mar. 11, 2014) (on file with Author); California Department of Corrections, Mental Health Crisis Bed Interdisciplinary Progress Notes on Charles Manson (Jan. 18, 2005) (on file with Author); California Department of Corrections, Psychiatric Progress Notes on Charles Manson at Acute Care Hospital (Jan. 13, 2005) (on file with Author); California Department of Corrections, Mental Health Treatment Plans, Updates, Rejustifications for Charles Manson at 1 (Jan. 13, 2005) (on file with Author); California Department of Corrections, Medical Report of Injury or Unusual Occurrence of Charles Manson (Oct. 28, 2000) (on file with Author) (describing Manson’s speech as “scattered and delusional” and “rambling and disorganized”); California Department of Corrections, Mental Health Interdisciplinary Progress Notes (April 1, 1999) (on file with Author) (describing Manson’s speech as “scattered and delusional” and “rambling and disorganized”); California Department of Corrections, Psychological Evaluation of Charles Manson at San Quentin Penitentiary at 3 (Feb. 1989) (on file with Author) (noting “oddities of thought and speech”); California Department of Corrections, Internal Medicine Consultations of Charles Manson (Mar. 29, 1982) (on file with Author) (noting that Manson “rambles on with lots of rhetoric”); California Department of Corrections, Screening Chronology of Charles Manson (Aug. 8, 1978) (on file with Author) (describing how Manson is “full of [. . .] weird, sometimes symbolic statements made in a very casual offhand way”); California Department of Corrections, Medical History of Charles Manson at California Medical Facility Hospital at 1-2 (Oct. 17, 1977) (on file with Author) (noting that Manson “tends to ramble” and recounting an episode in which Manson “rambled in disconnected, irrelevant fashion and would provide a great deal of verbiage every time a question was asked of him but very seldom did he answer any of the [evaluator’s] questions”); California Department of Corrections, Medical History of Charles Manson at California Medical Facility Hospital (Oct. 12, 1976) (on file with Author) (“Questioning him usually brings from him pointless discussion [of] unrelated topics which he touches on in the superficial way and his speech meanders from one loosely or non-related subject to another”); California Department of Corrections, Narrative Discharge & Transfer Summary for Charles Manson at California Medical Facility Hospital at 1 (Oct. 9, 1976) (on file with Author) (noting that Manson was “difficult to interview because he rambled in a disconnected, irrelevant fashion” and “[h]is speech meandered in a loose fashion from one unrelated subject to another”).

212. California Department of Corrections, Mental Health Treatment Plan for Charles Manson at 1 (Mar. 20, 2014) (on file with Author); California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson, Interdisciplinary Treatment Team Summary at 1 (Mar. 20, 2014) (on file with Author); California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (Mar. 6, 2014) (on file with Author).

213. California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson with Schedules for Clinical Assessment in Neuropsychiatry (Jan. 19, 2012) (on file with Author).

214. California Department of Corrections, Outpatient Interdisciplinary Progress Notes on Charles Manson (Dec. 31, 1997) (on file with Author).

215. California Department of Corrections, Outpatient Interdisciplinary Progress Notes on Charles Manson (Oct. 23, 1997) (on file with Author).

described his “‘babble’ about his bizarre and delusional world view.”<sup>216</sup> A fourth noted: “[Manson] makes all kinds of statements that are contrary to fact and are at times quite bizarre. . . . [H]e says many crazy things quite seriously.”<sup>217</sup> A fifth noted: “[Manson] often makes statements that have no real apparent meaning to anyone but himself.”<sup>218</sup> Medical personnel in prison have repeatedly noted Manson making “no sense.”<sup>219</sup> A prison guard turned in a medical report after observing Manson “talking nonsense.”<sup>220</sup> One psychiatrist explained:

[Manson’s] speech lapses into nonsense statements with references to bizarre things. His mentality is . . . talking weird, bizarre nonsense and bringing it out with such an expression that he says it with a sort of an everyday kind of attitude which tends to make one try to figure out what he really means. [I]t is pretty obvious that . . . what he is saying is exactly what he means and it is quite psychotic. He talks about things being done to him and about God being involved, occasionally mentions the devil and this type of thing. It is much less controlled than an ordinary religious sell up which Manson does not seem to be. . . . [T]he quality of his statements reveal poor relevance and very poor appropriateness at times and as usual he says these many crazy things in a quite serious way.<sup>221</sup>

For example, one time he reported during an examination that his neck was “twisted” because he “went to China with Dr. Lew and Nurse Susan put drops in [his left] ear and it [tore his] head off. . . . I have a broom from

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216. California Department of Corrections, Outpatient Interdisciplinary Progress Notes on Charles Manson (Dec. 20, 2002) (on file with Author); California Department of Corrections, Outpatient Interdisciplinary Progress Notes on Charles Manson (Dec. 12, 2002) (on file with Author).

217. California Department of Corrections, Medical History of Charles Manson at California Medical Facility Hospital at 1 (Jul. 31, 1978) (on file with Author).

218. California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson with Schedules for Clinical Assessment in Neuropsychiatry (Nov. 23, 2011) (on file with Author).

219. California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (May 26, 2004) (on file with Author); California Department of Corrections, Psychiatric Note on Charles Manson at 1 (Jun. 22, 1992) (on file with Author); California Department of Corrections, Outpatient Medical Records of Charles Manson (Apr. 26, 1982) (on file with Author) (noting that Manson was “talk[ing] about various unrelated things making no sense whatsoever”).

220. California Department of Corrections, Medical Report of Injury or Unusual Occurrence (Oct. 7, 1992) (on file with Author).

221. California Department of Corrections, Medical History of Charles Manson at California Medical Facility Hospital at 1-2 (Oct. 11, 1978) (on file with Author).

Mexico City and I'm stuck here in London.”<sup>222</sup> Another psychologist documented his “string of nonsensical sounds.”<sup>223</sup> A third described Manson's answer to a request to describe his mental state as “Wheels. Patriarch. Atascadero. Scotland. My army.”<sup>224</sup>

“Neologisms” are part of the loose associations and disorganized speech of schizophrenia.<sup>225</sup> Neologisms are words that occur in the normal course of speech, which the individual treats as integral, but which convey no meaning to anyone else.<sup>226</sup> To individuals suffering from schizophrenia, neologisms have as much meaning and status as other words, but that meaning is private and inaccessible to others.<sup>227</sup>

Manson was infamous for his neologisms. He called all snacks “Zoo-Zoos.”<sup>228</sup> He gave the members of the group their silly names: Lulu, Zero, Squeaky, Ouish, Gypsy.<sup>229</sup> One time, when Watkins jokingly suggested that he might finish high school, Manson responded: “Yeah . . . get educated . . . study the mystery of history, and the ramis-jamis . . . and in the meantime, we'll call it the in-between time. . . . Now, take the toad's toenail . . . pretty, ain't it – bleep bleep – ride in a jeep.”<sup>230</sup>

In prison, Manson's treatment team has documented his “self-created language”<sup>231</sup> and “inappropriate verbal noises.”<sup>232</sup> One screening evaluation noted: “His discussions went all the way from S[haron] Tate to . . . zee-zo-zee-zee-zephyr and other such babblings.”<sup>233</sup>

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222. California Department of Corrections, Outpatient Interdisciplinary Progress Notes on Charles Manson (Jul. 21, 2000) (on file with Author).

223. California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (Jun. 17, 2008) (on file with Author).

224. California Department of Corrections, Mental Health Interdisciplinary Progress Notes on Charles Manson (Jan. 26, 2006) (on file with Author).

225. See DSM-IV-TR, *supra* note 200.

226. See *id.*

227. See *id.*

228. DAVIS & LEBLANC, *supra* note 2, at 87.

229. *Id.* at 93.

230. WATKINS, *supra* note 8, at 140.

231. California Department of Corrections, Mental Health Interdisciplinary Progress Notes on Charles Manson (Dec. 5, 2002) (on file with Author); California Department of Corrections, Outpatient Medical Records of Charles Manson (Jul. 15, 1982) (on file with Author).

232. California Department of Corrections, Mental Health Interdisciplinary Progress Notes on Charles Manson (Jan. 1, 2001) (on file with Author).

233. California Department of Corrections, Mental Health Interdisciplinary Progress Notes on Charles Manson (Nov. 29, 1999) (on file with Author).

*Bizarre Behavior*

Common examples of bizarre behavior in people suffering from schizophrenia include bizarre dress and grooming, such as bits of string or cloth festooning hair or garments.<sup>234</sup> First-hand accounts of Manson's behavior prior to the murders document this psychotic symptom. Manson is often described as looking "like a wild man."<sup>235</sup> He sometimes "carried a big black raven on his . . . wrist."<sup>236</sup> He would pick up snakes and "zap" them with his stare and allow "horse flies to land on his mouth and swarm upon his lips."<sup>237</sup> When he was arrested at Barker Ranch, his hair was "matted," his beard was "unkempt" and "virtually concealed his entire face," he was "sweaty and smelly,"<sup>238</sup> and he was "dressed entirely in buckskin."<sup>239</sup>

Atkins's first impression of Manson was that he was "really strange."<sup>240</sup> She described their group as "Crazy Charlie and his girls."<sup>241</sup> "There were moments when he seemed almost demonic, pacing like a caged predator before the flames, his hair long and scraggly, his eyes bright."<sup>242</sup> His eyes were "glazed" and unseeing, and he "looked frazzled and wrung-out."<sup>243</sup> He muttered to himself.<sup>244</sup>

According to Watson: "One moment [Manson's] movements would be slow, almost trancelike, and then the next he could be exploding with a violent energy that shook off him to set everything around him on fire."<sup>245</sup> He chanted "She's coming down fast. . . . She's coming down fast," fifty or sixty times per day.<sup>246</sup>

Manson was frequently seen "jumping around" on the boardwalk "fencing with his shadow,"<sup>247</sup> "slashing and jabbing the air"<sup>248</sup> and at "bales

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234. See DSM-IV-TR, *supra* note 200, at §§ 295.1–.3 & 295.90.

235. SANDERS, *supra* note 1, at 261.

236. DAVIS & LEBLANC, *supra* note 2, at 60.

237. SANDERS, *supra* note 1, at 73.

238. DAVIS & LEBLANC, *supra* note 2, at 13, 15.

239. ATKINS, *supra* note 5, at 117; see also SANDERS, *supra* note 1, at 129.

240. ATKINS, *supra* note 5, at 3.

241. *Id.* at 73.

242. ATKINS, *supra* note 5, at 126.

243. *Id.* at 165, 190-91.

244. *Id.* at 235.

245. WATSON, *supra* note 5, at 67.

246. DAVIS & LEBLANC, *supra* note 2, at 13, 15.

247. SANDERS, *supra* note 1, at 180.

248. *Id.* at 127.

of hay”<sup>249</sup> with his “magic sword,” which he would stick into “a metal ‘scabbard’” on his “command dune buggy as he patrolled Devil Canyon.”<sup>250</sup> His dune buggy was decked out with braided swatches of human hair and a canopy of ocelot fur.<sup>251</sup>

Manson’s “irrational” and “often inappropriate” behavior in the courtroom are legendary.<sup>252</sup> He famously engaged in “flamboyant courtroom theatrics . . . parad[ing] around the courtroom like a peacock.”<sup>253</sup> As probably anyone reading this knows, the morning that his trial was scheduled to begin, Manson appeared in court having incised an “X” into his forehead.<sup>254</sup> A host of reasons for this self-mutilation have been given, none of them rational: to symbolize how “he had X-ed himself out” of civilization, to “ward off God’s wrath when the march of the locusts . . . devours the world,” to appease Black Muslims in the L.A. County Jail so that they would spare him when the Holocaust came.<sup>255</sup> During trial, Manson would “stand up and turn his back on the court, chant a slogan or sing.”<sup>256</sup> He was removed from the courtroom during the hearing on his motion for a new trial because of his disruptive behavior.<sup>257</sup>

In prison, Manson continues to engage in bizarre, psychotic behavior,<sup>258</sup> being disruptive, refusing to leave his cell, growing his fingernails long, and refusing to bathe or shave.<sup>259</sup> Prison staff has

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249. *Id.* at 180.

250. *Id.* at 127.

251. *See id.* at 180; WATSON, *supra* note 5, at 121.

252. DAVIS & LEBLANC, *supra* note 2, at 20.

253. WATKINS, *supra* note 8, at 250.

254. *See* SANDERS, *supra* note 1, at 388.

255. *See id.*

256. DAVIS & LEBLANC, *supra* note 2, at 20.

257. *See* Minute Order, *State v. Manson*, No. A267861 (L.A. Co. Sup. Ct. Dec. 13, 1971).

258. California Department of Corrections, Mental Health Referral Chronology of Charles Manson (Mar. 28, 2012) (on file with Author); California Department of Corrections, Chronological Psychiatric Records of Charles Manson (May 1, 1987) (on file with Author); California Department of Corrections, Psychiatric Consultation & Prescription Records of Charles Manson (Apr. 23, 1974) (on file with Author) (noting that Manson was transferred to the California Medical Facility from Folsom State Prison in 1974 because of “his gradual deterioration while in lockup” at Folsom).

259. *See, e.g.*, California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (Jun. 14, 2012) (on file with Author); California Department of Corrections, Informative Chronology of Charles Manson (Jul. 3, 1974) (on file with Author) (documenting Manson’s “fourth consecutive refusal to shave or shower” during an approximately two-week period); California Department of Corrections, Sequin Unit Screening of Charles Manson (Jun. 5, 1974) (on file with Author) (noting that Manson appeared before the psychiatric unit screening committee “unshaven”).

documented his “poor” and “atypical” hygiene, grooming, and clothing<sup>260</sup> and his body odor.<sup>261</sup> During a cell visit, a psychologist recorded how Manson was “wearing a sort of hat he has made in prison, which appears to be made of t-shirt or sheet material, as well as a silver, shinier material which looks as if it may be used in athletic shorts.”<sup>262</sup> During another visit, a therapist noted that he had “rubber bands on his beard and a pink cloth on his head. He acknowledged [the therapist] and began to babble. Attempts were made to communicate with [Manson, but] he just laughed inappropriately.”<sup>263</sup> During several cell visits, mental health professionals observed Manson wearing a loincloth fashioned from a t-shirt.<sup>264</sup>

Prison staff has also documented his “bizarre,” “eccentric,” and “erratic” behavior,<sup>265</sup> describing his appearance as “busy,” “disheveled,” “unkempt,” and “wild eyed”<sup>266</sup> and his hand gestures as “weird.”<sup>267</sup> They

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260. *See, e.g.*, California Department of Corrections, Mental Health Referral Chronology of Charles Manson (Mar. 28, 2012) (on file with Author); California Department of Corrections, Mental Interdisciplinary Progress Notes on Charles Manson (Nov. 26, 2003) (on file with Author); California Department of Corrections, Mental Interdisciplinary Progress Notes on Charles Manson (Oct. 15, 2002) (on file with Author); California Department of Corrections, Mental Interdisciplinary Progress Notes on Charles Manson (Aug. 6, 2001) (on file with Author).

261. *See, e.g.*, California Department of Corrections, Mental Health Treatment Plan for Charles Manson at 1 (Mar. 20, 2014) (on file with Author).

262. California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson with Schedules for Clinical Assessment in Neuropsychiatry (Nov. 30, 2011) (on file with Author).

263. California Department of Corrections, Mental Interdisciplinary Progress Notes on Charles Manson (Feb. 25, 2002) (on file with Author).

264. California Department of Corrections, Mental Interdisciplinary Progress Notes on Charles Manson (Sep. 24, 2001) (on file with Author); California Department of Corrections, Mental Interdisciplinary Progress Notes on Charles Manson (Aug. 24, 2001) (on file with Author).

265. *See, e.g.*, California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (Jul. 11, 2012) (on file with Author); California Department of Corrections, Final Discharge Summary, California Medical Facility at 3 (Oct. 12, 1976) (on file with Author) (describing Manson’s “routine of displaying erratic tirades and bizarre ramblings”); California Department of Corrections, Outpatient Medical Record for Charles Manson (Oct. 9, 1976) (on file with Author) (noting Manson’s transfer to the psychiatric segregation unit because of “bizarre behavior”).

266. *See, e.g.*, California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson with Schedules for Clinical Assessment in Neuropsychiatry (Sep. 15, 2012) (on file with Author); California Department of Corrections, History & Physical Examination of Charles Manson at 2 (Dec. 1, 2005) (on file with Author); California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (Sep. 5, 2001) (on file with Author); California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (Dec. 11, 1997) (on file with Author); California Department of Corrections, Screening Chronology of Charles Manson (Aug. 8, 1978) (on file with Author).

267. California Department of Corrections, Outpatient Medical Record of Charles Manson (June 23, 1975) (on file with Author).

describe his cell as disorganized, dirty, and cluttered.<sup>268</sup> A nurse observed him sleeping on his mattress on the floor.<sup>269</sup> A therapist described the “sheets hanging from the wall [of his cell] which appeared to be curtains and colored handprints on the wall.”<sup>270</sup> Guards reported that Manson was urinating in coffee mugs.<sup>271</sup> Another time, Manson stuffed newspaper in his toilet and insisted that he would only relieve himself on the newspaper because he did not “want to contribute to pollution” or “contaminate drinking water” by flushing the toilet.<sup>272</sup>

Manson has been observed in his cell screaming, yelling, and ranting.<sup>273</sup> His providers have documented his “chanting”<sup>274</sup> and his use of “sign language of some sort.”<sup>275</sup> One therapist noted that, during an interview, Manson “stated ‘I am everywhere,’ then began laughing. He continued to laugh inappropriately and continued to say he is everywhere, therefore [the therapist was] unable to complete [the] interview.”<sup>276</sup> Another therapist noted that Manson “perform[ed] a bizarre snake dance using his body, arms, fingers and waving them in a hypnotic motion” during a group therapy session.<sup>277</sup> A third noted that, during an evaluation, Manson “punctuated the discussion with martial arts dance moves and

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268. *See, e.g.*, California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson at SCAN (Sept. 15, 2012) (on file with Author); California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson at SCAN (Sept. 5, 2012) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Mar. 19, 2003) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Feb. 4, 2002) (on file with Author).

269. California Department of Corrections, Outpatient Medical Record of Charles Manson (Nov. 4, 1978) (on file with Author).

270. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Jan. 22, 2002) (on file with Author).

271. Manson’s CDC Mental Health Interdisciplinary Progress Notes, May 28, 2003 (on file with Author). California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (May 28, 2003) (on file with Author).

272. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Feb. 25, 2003) (on file with Author).

273. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (May-June 2008) (on file with Author).

274. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Aug. 14, 2001) (on file with Author).

275. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Sept. 29, 2005) (on file with Author).

276. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Oct. 16, 2001) (on file with Author).

277. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Oct. 23, 1997) (on file with Author).

posturing.”<sup>278</sup> A fourth observed Manson “beg[i]n to act as if he was doing some sort of martial arts, and then beg[i]n to move as if he was dancing” during an interview.<sup>279</sup> A fifth observed Manson “sitting on his rolled up mattress on the floor between the bunks in his cell. . . . One bunk had a multitude of things on it like papers and small items. . . . [Manson] simply shook his head and smiled. Twice [he] also placed his two forefingers together and pointed at [the psychologist] and then touched his forefingers and pinky fingers on each hand, together. . . . He continues to present . . . with odd behaviors and statements at times.”<sup>280</sup>

### *Hallucinations*

Hallucinations, often divine in nature, are the hallmark symptom of schizophrenia.<sup>281</sup> Common hallucinations include detecting something unusual or dangerous, like poison, in food or drink, which can contribute to feelings of persecution.<sup>282</sup>

Manson has a long history of auditory and visual hallucinations.<sup>283</sup> Prior to the murders, Manson told Watkins about “times when solid objects start moving and become transparent, times when ‘the normal way’ of seeing things suddenly lost its vitality.”<sup>284</sup> One time, in 1968, Manson “chased a father and his daughter down a street with a knife in his hand prepared to cut them up.”<sup>285</sup> He “ascribed this homicidal urge to a toothache where the poison from the inflamed tooth had seeped into his brain.”<sup>286</sup>

Manson’s prison providers continue to document his hallucinations.<sup>287</sup> He believes that the air in his cell and his prison food are “contaminated”

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278. Manson’s CDC Psychological Evaluation, Corcoran, Jan. 14, 1997, at 2 (on file with Author); California Department of Corrections, Psychological Evaluation of Charles Manson at Corcoran at 2 (Jan. 14, 1997) (on file with Author).

279. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson at SCAN (Mar. 13, 2012) (on file with Author).

280. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson (July 11, 2012) (on file with Author).

281. See DSM-IV-TR, *supra* note 200, at §§ 295.1-.3 & 295.90.

282. See DSM-V, *supra* note 199, at 87-88.

283. California Department of Corrections, Psych Screening Chronology of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility (Mar. 8, 1984) (on file with Author).

284. WATKINS, *supra* note 8, at 185.

285. SANDERS, *supra* note 1, at 78.

286. *Id.*

287. See, e.g., California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Oct. 22, 2001) (on file with Author); California Department of

and/or “poisoned,”<sup>288</sup> he is “being poisoned by asbestosis,”<sup>289</sup> and he is “allergic to air.”<sup>290</sup> He hears “all kinds” of voices,<sup>291</sup> including “a ‘Negro’ in one ear and someone else in the other.”<sup>292</sup> He believes that his “mind is

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Corrections, Outpatient Medical Record of Charles Manson (Mar. 27, 1978) (on file with Author) (“Patient appears to be hallucinating at this time.”); California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 1-2 (Oct. 17, 1977) (on file with Author) (noting that Manson “says things that make it sound as if he may have been hallucinating but when asked directly about this, he . . . denies any . . . hallucinations now or in the past, however, there is a good possibility he was hallucinating he was sent to [the psychiatric segregation unit of CMF for the subject evaluation]”); California Department of Corrections, Psychiatric Evaluation of Charles Manson at 1 (May 25, 1976) (on file with Author) (noting “auditory and visual hallucinatory phenomena”).

288. *See, e.g.*, California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (June 3, 2004) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Oct. 18, 2000) (on file with Author) (describing Manson in his cell with a cloth over his mouth and nose claiming that he was “being poisoned through the air vents”); California Department of Corrections, Outpatient Medical Record of Charles Manson (July 28, 1978) (on file with Author) (noting that Manson refused his breakfast and dinner because he believed that the food was poisoned); California Department of Corrections, Outpatient Medical Record of Charles Manson (June 17, 1977) (on file with Author) (documenting Manson’s claim that his food and water were being poisoned); California Department of Corrections, Outpatient Medical Record of Charles Manson (May 30, 1977) (on file with Author) (documenting Manson’s claim that his food was “being poisoned”); California Department of Corrections, Outpatient Medical Record of Charles Manson (Mar. 7, 1977) (on file with Author) (documenting Manson’s refusal to eat because his food was being poisoned); California Department of Corrections, Outpatient Medical Record of Charles Manson (Feb. 27, 1977) (on file with Author) (documenting Manson’s argument with a therapist about whether poison was being brought in to the prison); California Department of Corrections, Consultant’s Record of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 2 (Oct. 21, 1976) (on file with Author) (noting Manson’s belief that his food was poisoned at Folsom); California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital (Oct. 12, 1976) (on file with Author) (noting Manson’s whispered and illogical complaints about “his teeth” and “poisoning”); California Department of Corrections, Narrative Discharge & Transfer Summary of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 1 (Oct. 9, 1976) (on file with Author) (documenting how Manson “whispered about poisoning in his diet” during an attempted interview).

289. California Department of Corrections, Narrative Discharge & Transfer Summary of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 1 (Oct. 9, 1976) (on file with Author) (documenting how Manson “whispered about poisoning in his diet” during an attempted interview).

290. California Department of Corrections, Chronic Care Follow-Up Visit of Charles Manson (Sept. 30, 2008) (on file with Author).

291. California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital (Oct. 12, 1976) (on file with Author).

292. California Department of Corrections, Outpatient Interdisciplinary Progress Notes of Charles Manson (Jan. 1, 1999) (on file with Author).

tuned to more television channels than exist in [our] world.”<sup>293</sup> He told a social worker that musicians in the “German Band” that he conducts “are residing with him in his cell.”<sup>294</sup> A psychiatrist noted that he “hears voices telling him the Atmosphere is dying.”<sup>295</sup>

### *Delusions*

Delusions are also common in schizophrenia, as is the manner in which they develop.<sup>296</sup> Delusions tend to begin as single thoughts or ideas that are easily dismissed.<sup>297</sup> Over time, however, the ideas become more unassailable.<sup>298</sup> External evidence to the contrary no longer carries weight.<sup>299</sup> Delusions of grandeur, reference, and persecution in particular are common traits of schizophrenia.<sup>300</sup>

Prison staff has repeatedly documented Manson’s “[d]elusions of grandiosity, persecution, and reference.”<sup>301</sup> One psychiatrist noted: “His thinking revealed delusions and distortions and he did not appear to be fully oriented to time and place.”<sup>302</sup> A psychologist described Manson’s “mental status” as “not oriented in any sphere.”<sup>303</sup> His treatment notes are full of references to his “speaking in magical, mystical phrases,”<sup>304</sup> “bizarre fantasies” and “preoccupations,”<sup>305</sup> delusional thinking, “cognitive

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293. EMMONS, *supra* note 2, at 227.

294. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Apr. 4, 2003) (on file with Author).

295. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (June 20, 2001) (on file with Author).

296. *See* DSM-V, *supra* note 199, at 87, 92-93.

297. *See id.* at 91-92.

298. *See id.* at 87.

299. *See id.* at 92.

300. *See id.* at 87.

301. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (July 5, 2001) (on file with Author); California Department of Corrections, Condensed Mental Health Assessment & Treatment Setting Transfer of Charles Manson at 3 (June 17, 1997) (on file with Author).

302. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson (July 10, 2008) (on file with Author).

303. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Mar. 3, 1999) (on file with Author).

304. California Department of Corrections, Psychiatric Evaluation of Charles Manson at Corcoran at 1 (June 22, 1992) (on file with Author); California Department of Corrections, Outpatient Medical Record of Charles Manson (Jan. 24, 1992) (on file with Author).

305. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Dec. 20, 2002) (on file with Author).

distortions,” living in a rich “fantasy world,”<sup>306</sup> and being out of touch with reality.<sup>307</sup> He refuses to believe that he is in prison.<sup>308</sup> There are repeated references in his records to his “bizarre world view based on no historical facts.”<sup>309</sup> For example, Manson has reported to them that “Captain Kirk” is with him,<sup>310</sup> he “own[s] the Star of David,”<sup>311</sup> and he used to live in a garden in Napa with one of his therapists.<sup>312</sup> He requested a copy of all of

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306. *See, e.g.*, California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Mar.13, 2012) (on file with Author) (noting Manson’s “long documented history of delusional thinking”); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Nov. 22, 1999) (on file with Author) (commenting that Manson was “floridly delusional and tangential with thought intrusions and irrelevancies”); California Department of Corrections, Forensic Psychological Evaluation of Charles Manson at Pelican State Bay Prison at 14-16 (Sept. 30, 1997) (on file with Author) (noting that Manson’s “perceptions of himself and the world [are] highly distorted”); California Department of Corrections, Narrative Discharge & Transfer Summary of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 1-2 (Oct. 9, 1976) (on file with Author) (describing how Manson “pursue[d] many subjects that had nothing to do with the questions asked and revealed considerable delusion and no doubt hallucination as well”).

307. *See, e.g.*, California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 1 (Mar. 19, 2013) (on file with Author); California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson (July 1, 2008) (on file with Author); California Department of Corrections, Condensed Mental Health Assessment and Treatment Setting Transfer of Charles Manson at Additional Page (Feb. 15, 2007) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (June 23, 2005) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (July 21, 2000) (on file with Author) (noting Manson’s “[p]oor reality testing”); California Department of Corrections, Forensic Psychological Evaluation of Charles Manson at Pelican Bay State Prison at 4 (Sept. 30, 1997) (on file with Author); California Department of Corrections, Condensed Mental Health Assessment & Treatment Setting Transfer of Charles Manson at 2 (June 17, 1997) (on file with Author); California Department of Corrections, Chronological Psychiatric Records of Charles Manson (May 1, 1987) (on file with Author) (noting Manson’s “loosening of reality contact”); California Department of Corrections, Psychiatric Evaluation of Charles Manson at San Quentin at 2 (Aug. 30, 1985) (on file with Author); California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 1 (Mar. 20, 1974) (noting Manson’s difficulty in “maintain[ing] reality”) (on file with Author).

308. *See, e.g.*, California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson at SCAN (Mar. 13, 2012) (on file with Author) (recording Manson’s claim to a psychologist that he was “already out” of prison).

309. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (June 10, 2003) (on file with Author).

310. California Department of Corrections, Emergency Care Flow Sheet of Charles Manson (Feb. 1, 2005) (on file with Author).

311. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Dec. 31, 1997) (on file with Author).

312. *Id.*

his psychiatric records in the possession of Abraham Lincoln.<sup>313</sup> He “fired” one therapist for “wearing [Manson’s] pants for several weeks.”<sup>314</sup> He told a psychologist: “You’re wearing black because of the two black men who were in bed with my psychologist’s wife before he blew his brains out.”<sup>315</sup> He reported that “his heart was hurting” because it had dropped out of the bottom of his diaphragm.<sup>316</sup> He believes that “San Quentin was a Spanish slave ship that was used as a prison.”<sup>317</sup> In one group therapy session, Manson contributed:

What are you afraid of? Gum chewing is a form of self-protection. You look like food to me. I would like to eat you. What would you do if you were held hostage? Do you have a plan? You do not know what you are doing. I have been waiting for you. You are me.<sup>318</sup>

Perhaps more pertinently to the question of his possible wrongful conviction, in the Corcoran State Prison hospital, during an acute mental-health crisis, Manson “confessed” to the fictional act of having choked someone the night before (in the hospital).<sup>319</sup> He told another psychiatrist at Corcoran, also falsely, that he had had the family of a psychiatrist at CMF killed for trying to medicate him.<sup>320</sup>

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313. California Department of Corrections, Access of Psychiatric Record of Charles Manson (May 21, 1996) (on file with Author).

314. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Oct. 7, 2004) (on file with Author).

315. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Oct. 9, 1997) (on file with Author).

316. *See, e.g.*, California Department of Corrections, Narrative Discharge & Transfer Summary of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital (Oct. 25, 1977) (on file with Author) (describing Manson’s “chief complaint” as “his heart and lungs had dropped down below his diaphragm and this caused him pain”); California Department of Corrections, Medical History of Charles Manson at California Department of Corrections Medical (and Psychiatric) Facility Hospital at 1 (Oct. 17, 1977) (on file with Author) (documenting Manson’s admission to the CMF Hospital because he “claimed that his heart and lungs were dropping down below the diaphragm” into “his belly” and “this caused him great pain”); California Department of Corrections, Doctor’s Notes of Charles Manson (Oct. 16, 1977) (on file with Author) (documenting Manson’s claim that his “heart lungs and all [his] organs had dropped below the diaphragm”).

317. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson at SCAN (Jan. 19, 2012) (on file with Author).

318. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Oct. 9, 1997) (on file with Author).

319. California Department of Corrections, Psychiatric Progress Note of Charles Manson at Corcoran Acute Care Hospital (Jan. 13, 2005) (on file with Author).

320. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (June 29, 2003) (on file with Author).

*Grandeur*

People suffering from schizophrenia believe in their own greatness or divinity, without regard to actual circumstances.<sup>321</sup> They believe themselves to be exalted, divinely chosen, and tasked with an undefeatable purpose.<sup>322</sup> They can read other people's minds and receive their thoughts.<sup>323</sup>

Manson has long believed that he possesses the power miraculously to heal himself and others.<sup>324</sup> In fall 1968, "Manson undertook a prolonged nude meditation period in the high desert chill [in Death Valley], discovering death," after which "he picked up a live rattlesnake."<sup>325</sup> He told a story about breathing life into a dead bird and reanimating it.<sup>326</sup> He believed that he had the power to imagine physical objects into existence.<sup>327</sup>

According to Watson, Manson "was absolutely sure that he was Jesus Christ"<sup>328</sup> and was the "most ardent disciple" of his own madness.<sup>329</sup> He alluded to himself as "a spiritual medium, a 'hole in the infinite,' a latter-day Jesus Christ."<sup>330</sup> Manson was booked as "Manson, Charles M., aka Jesus Christ, God,"<sup>331</sup> and he referred to himself in court briefs the same way.<sup>332</sup>

After his arrest, Manson told Watkins that he was only "home for Christmas."<sup>333</sup> "Listening to Charlie rap, you'd have thought he was free. He spoke as though nothing had changed and that being in prison for murder was merely a temporary inconvenience."<sup>334</sup> Manson spent his pretrial detention trying to "dissolve" his cell bars with his "psychic energy."<sup>335</sup>

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321. See DSM-V, *supra* note 199, at 92.

322. See *id.*

323. See *id.* at 101.

324. See *id.* at 156.

325. See SANDERS, *supra* note 1, at 88.

326. See SANDERS, *supra* note 1, at 369.

327. See ATKINS, *supra* note 5, at 7.

328. WATSON, *supra* note 5, at 27.

329. *Id.* at 27.

330. *Id.* at 136.

331. ATKINS, *supra* note 5, at 154.

332. See DAVIS & LEBLANC, *supra* note 2, at 197.

333. WATKINS, *supra* note 8, at 243-44.

334. *Id.* at 244.

335. *Id.*

Manson initially represented himself, a privilege that the court revoked after he filed a series of nonsensical motions.<sup>336</sup> His first one, which he filed on behalf of himself, “Jesus Christ, Prisoner,” and his compatriots, “The Family of Infinite Soul, Inc.,” alleged that the L.A. County Sheriff was depriving him of his spiritual liberty in violation of the laws of man and God.<sup>337</sup> Another requested the immediate incarceration of his prosecutors.<sup>338</sup> After the judge revoked Manson’s right to self-representation, Manson threatened him, saying “he could order deaths from the pen . . . by taking the brain of a con, making the person a zombie, and sending him out.”<sup>339</sup>

Manson takes credit for Nixon’s resignation, believing that “his own personal hex” caused it.<sup>340</sup> At his parole hearing in 1986, Manson declared that his new religion was “Air, Trees, Water, and Animals” [ATWA] and that he was “Abraxas, . . . the son of God, the son of Darkness.”<sup>341</sup>

Manson’s prison records reflect that he continues to suffer from grandiose delusions.<sup>342</sup> He sometimes refuses all of his medications, including those for his COPD, hypertension, and hypothyroidism, claiming that he can heal himself.<sup>343</sup> He claims to have “spiritual powers”<sup>344</sup> and be responsible for changes in world events.<sup>345</sup> He has told prison staff that he is “Jesus Christ,”<sup>346</sup> “Mother Earth,”<sup>347</sup> has “far reaching powers,” “was

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336. See SANDERS, *supra* note 1, at 334.

337. See *id.*

338. See *id.* at 336.

339. See *id.* at 429.

340. See *id.* at 481.

341. See *id.* at 504.

342. See, e.g., California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson with Schedules for Clinical Assessment in Neuropsychiatry (Jan. 16, 2014) (on file with Author).

343. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson with Schedules for Clinical Assessment in Neuropsychiatry (Dec. 14, 2011) (on file with Author).

344. California Department of Corrections, Psychiatrist’s Progress Note of Charles Manson (Oct. 24, 2012) (on file with Author); California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson with Schedules for Clinical Assessment in Neuropsychiatry (July 25, 2012) (on file with Author).

345. California Department of Corrections, Forensic Psychological Evaluation of Charles Manson at Pelican Bay State Prison (Sept. 30, 1997) (on file with Author).

346. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (June 20, 2001) (on file with Author); California Department of Corrections, Bedside Record of Charles Manson (Nov. 24, 1984) (on file with Author).

347. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (July 10, 2001) (on file with Author).

omnipotent,<sup>348</sup> is a psychiatrist,<sup>349</sup> “graduated from the University of Baghdad,”<sup>350</sup> “had a PhD in psychology,”<sup>351</sup> is the Warden at Corcoran State Prison,<sup>352</sup> “controlled CDC and kept the psychiatrists in the morgue in the basement,”<sup>353</sup> was “head of the Nazi party,”<sup>354</sup> was in the Irish Republic Army 250 years ago,<sup>355</sup> “was at Nuremburg” and “owns five courtrooms in L.A.,”<sup>356</sup> has two gardens in India,<sup>357</sup> “called the emperor of Japan” and other world leaders and “interview[ed]” them without their realizing it,<sup>358</sup> was “creating a new society and world order called New Socialists” and proposed that a prison social worker “be in charge of all daylight operations” while he (Manson) “would rule I.S. during the night,”<sup>359</sup> was “ruling the world between sundown and sunrise” with “an army of 6000 soldiers marching between Kaiser Wilhelm’s and Adolf Hitler’s graves,” “took the ‘top 10’ out of that underground army and turned them into . . . the ‘German Band,’”<sup>360</sup> and “was a ‘general’ commanding ATWA.”<sup>361</sup>

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348. California Department of Corrections, Psychiatric Evaluation of Charles Manson at Corcoran State Prison (June 22, 1992) (on file with Author).

349. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson with Schedules for Clinical Assessment in Neuropsychiatry (Dec. 14, 2011) (on file with Author); California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson with Schedules for Clinical Assessment in Neuropsychiatry (Oct. 3, 2011) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Mar. 1, 2007) (on file with Author).

350. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Mar. 1, 2007) (on file with Author).

351. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (July 1999) (on file with Author).

352. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson with Schedules for Clinical Assessment in Neuropsychiatry (Mar. 5, 2012) (on file with Author).

353. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Apr. 12, 1997) (on file with Author).

354. California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 3 (Jan. 10, 2008) (on file with Author).

355. California Department of Corrections, Condensed Mental Health Assessment & Treatment Setting Transfer of Charles Manson at 1 (June 17, 1997) (on file with Author).

356. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (June 29, 2003) (on file with Author).

357. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Oct. 23, 1997) (on file with Author).

358. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Oct. 16, 1997) (on file with Author).

359. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Apr. 25, 2003) (on file with Author).

360. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Mar. 19, 2003) (on file with Author).

Manson continues to maintain that he can communicate with and control people telepathically while in prison.<sup>362</sup> He claims to be “the originator of many of the President’s thoughts.”<sup>363</sup> One psychologist noted: “[Manson] holds some very grandiose ideation, believing himself to be both the genesis and the antithesis of life itself: stating, “I am the air that you breathe, the water you drink. I am life. I am death.””<sup>364</sup>

### Reference

Individuals who suffer from delusions of reference believe that otherwise ordinary or chance occurrences have special meaning for them.<sup>365</sup> There are no coincidences or accidental happenings; everything is pregnant with meaning.<sup>366</sup> Even songs on the radio hold special meaning.<sup>367</sup>

Manson’s most infamous delusions were those surrounding “Helter Skelter.” Manson believed that “the Beatles’ music carried an important message” directed at him personally.<sup>368</sup> According to Manson, the Beatles were the four angels and the avenging locusts of the Apocalypse, and they “knew that Jesus Christ had returned to earth and was somewhere near Los Angeles.”<sup>369</sup> In addition to being Christ, Manson was also the fifth angel of the Apocalypse.<sup>370</sup> According to Watkins, Manson’s theory was that:

[T]he four angels [of the Apocalypse] were the Beatles, whom Charlie considered prophets . . . . The fifth angel was Charlie. . . . The passage [of the Book of Revelation] “And he opened the bottomless pit . . . . And there came out of the smoke locusts upon the earth; and unto them was given power as the scorpions of the earth have power” was not only a reference to the Beatles (locusts) but implied that the power of scorpion

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361. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson (Mar. 6, 2014) (on file with Author).

362. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Oct. 16, 1997) (on file with Author).

363. California Department of Corrections, Neurology Consultation of Charles Manson at California Medical Facility (Apr. 13, 1982) (on file with Author).

364. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson at 2 (July 10, 2001) (on file with Author).

365. *See* DSM-IV-TR, *supra* note 200, at §§ 295.1–.3 & 295.90.

366. *See id.*

367. *See id.*

368. DAVIS & LEBLANC, *supra* note 2, at 9; WATKINS, *supra* note 8, at 47.

369. WATSON, *supra* note 5, at 95, 98.

370. WATSON, *supra* note 5, at 98.

(Charlie was a Scorpio) would prevail. . . . [The] “breastplates of fire” . . . were their electric guitars.<sup>371</sup>

At several points, Manson placed calls to London to try to talk to the Beatles.<sup>372</sup>

The idea of “a racial war between ‘blackie’ and ‘whitey’” was “the core of [Manson’s] Helter-Skelter” belief system.<sup>373</sup> Manson believed that the Family’s music album and the *White Album* were going to inspire the “Helter Skelter” race war.<sup>374</sup>

When “the Apocalypse” came, Manson and the Beatles were going to join forces, and Manson was going to lead them “through a secret Devil’s Hole into the Bottomless Pit: an underground paradise beneath Death Valley where water from a lake would give everlasting life and you could eat fruit from twelve magical trees – a different one for each month of the year.”<sup>375</sup> There would “be a paradise hideaway” with “a river of milk and honey.”<sup>376</sup> “Part of the plan for escaping during Helter Skelter required the purchase of a very expensive gold rope that cost about three dollars a foot . . . in order to dangle the Family down into the Hopi hole during the end of the world.”<sup>377</sup> If the police tried to stop them, Manson would “attack the helicopters with magic.”<sup>378</sup> Once they were in the Bottomless Pit, the Family “would multiply to 144,000,”<sup>379</sup> and Kasabian’s hair would be their “magic blanket.”<sup>380</sup> Eventually, “the blacks would turn to the only white man left with the smarts to help them; they would turn to Charlie, to Jesus Christ, who would lead the 144,000 chosen people out of the Pit to rule the world forever.”<sup>381</sup> In prison, Manson continues “to ramble on about his belief about Whitey and Blackey, and that the war is still inevitably going to happen, and that Armageddon is still around the corner.”<sup>382</sup>

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371. WATKINS, *supra* note 8, at 148.

372. See DAVIS & LEBLANC, *supra* note 2, at 110; SANDERS, *supra* note 1, at 106.

373. WATKINS, *supra* note 8, at 122.

374. *Id.* at 135.

375. WATSON, *supra* note 5, at 13; see DAVIS & LEBLANC, *supra* note 2, at 110.

376. DAVIS & LEBLANC, *supra* note 2, at 112.

377. SANDERS, *supra* note 1, at 114.

378. *Id.* at 111.

379. WATSON, *supra* note 5, at 94.

380. SANDERS, *supra* note 1, at 158.

381. WATSON, *supra* note 5, at 95.

382. California Department of Corrections, Psychiatric Evaluation of Charles Manson at Corcoran State Prison at 1 (June 22, 1992) (on file with Author).

Manson's prison providers have extensively documented his "ideas of influence and reference."<sup>383</sup> One psychiatrist described his delusions as having a "[m]eme of religiosity, love as their common denominator [with Manson] as [the] central figure."<sup>384</sup> Another provider noted that Manson claimed connections to famous people on television, claiming to be their father.<sup>385</sup> A neurologist noted his "references to obvious psychotic ideas of reference, such as being able to read the minds of others and . . . that Correctional Officers obtain promotions on the basis of their handling of him particularly."<sup>386</sup>

*It Is Paranoia if . . .*

Individuals suffering from paranoid schizophrenia tend to have particularly organized delusions, connecting the dots between unconnected concepts, events, people, and ideas.<sup>387</sup> Paranoid delusions develop with a common thread, usually involving an institution or organization watching the individual with a sophisticated network of operatives and strategies.<sup>388</sup> Random interactions are interpreted as purposeful attempts to target or contact the individual.<sup>389</sup> People suffering from schizophrenia are threatened by anyone who attempts to dissuade them from their delusions.<sup>390</sup>

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383. See, e.g., California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 3 (Sept. 13, 2011) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Oct. 6, 2004) (on file with Author); California Department of Corrections, Mental Health Assessment of Charles Manson at 5 (Sept. 8, 1997) (on file with Author); California Department of Corrections, Psychological Evaluation of Charles Manson at San Quentin State Prison at 3 (Feb. 1989) (on file with Author); California Department of Corrections, Psychological Evaluation of Charles Manson at San Quentin State Prison at 2 (July 3, 1986) (on file with Author); California Department of Corrections, Psychiatric Evaluation of Charles Manson at San Quentin State Prison at 1-2 (Aug. 30, 1985) (on file with Author); California Department of Corrections, Outpatient Medical Record of Charles Manson (Jan. 12, 1976) (on file with Author).

384. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Jan. 11, 2005) (on file with Author).

385. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Oct. 6, 2004) (on file with Author).

386. California Department of Corrections, Neurology Consultation of Charles Manson at California Medical Facility (Apr. 13, 1982) (on file with Author).

387. See DSM-IV-TR, *supra* note 200, at §§ 295.1-.3 & 295.90.

388. See *id.*

389. See *id.*

390. See DSM-V, *supra* note 199.

Manson has a long history of paranoia.<sup>391</sup> Records from the reform school to which he was committed when he was twelve indicate that he already had “a persecution complex.”<sup>392</sup> Watkins described Manson as suffering from “fear and paranoia.”<sup>393</sup> According to Sanders, in early 1969, “[s]omething freaked Manson out . . . enough for him to prepare for the end of Western civilization.”<sup>394</sup> According to Watkins, by the time of the murders, Manson “had created a void around himself; he had fallen ‘into the hole’ of his own madness.”<sup>395</sup>

Attempts to flee persecution are also common among individuals suffering from schizophrenia.<sup>396</sup> These individuals attempt to protect themselves by arming/armoring themselves or their dwellings.<sup>397</sup>

Watkins described Manson preparing for “Helter-Skelter” by “pacing back and forth over” maps of Death Valley, “pinpointing potential command posts.”<sup>398</sup> According to Atkins, Manson insisted that the group establish twenty-four hour guards, because they couldn’t “afford to let them sneak on them when [they were not] expecting it.”<sup>399</sup> Manson insisted that they “needed more dune buggies” so that each man would have one “like . . . the Afrika Korps during the Second World War.”<sup>400</sup> After the murders, Manson made “numerous forays in Death Valley . . . still search[ing] for the mystical ‘hole’ in the desert where the Family could go to wait out the ravages of Helter-Skelter . . . . At one point, [he] asked [Watkins] to search for ‘the hole’ by diving with scuba gear into Devil’s Hole, a vast, murky water-filled cavern” in Nevada.<sup>401</sup>

Prior to trial, Manson gave an interview in which he suggested that the court had forced him to be represented by counsel to cover up truths that he would speak if he represented himself.<sup>402</sup> During trial, Manson explained: “I have no alternative but to fight you back any way I know how, because you and the district attorney and all the attorneys I have met are on the same

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391. California Department of Corrections, Psych Screening Chrono of Charles Manson at California Medical Facility (March 8, 1984) (on file with Author).

392. California Department of Corrections, Forensic Psychological Evaluation of Charles Manson at Pelican Bay State Prison at 7 (Sept. 30, 1997) (on file with Author).

393. WATKINS, *supra* note 8, at 150.

394. SANDERS, *supra* note 1, at 105.

395. WATKINS, *supra* note 8, at 212.

396. *See DSM-IV-TR, supra* note 200, at §§ 295.1–.3 & 295.90.

397. *See id.*

398. WATKINS, *supra* note 8, at 146-47.

399. ATKINS, *supra* note 5, at 90.

400. WATSON, *supra* note 5, at 25.

401. WATKINS, *supra* note 8, at 222.

402. *See SANDERS, supra* note 1, at 334.

side and the newspapers are on the same side and it's all pointed against me, personally."<sup>403</sup>

In prison, Manson's providers have documented his paranoid delusions<sup>404</sup> and obsession with "conspiracy theories,"<sup>405</sup> which they consider part of his mental-health "baseline."<sup>406</sup> He is convinced that people are constantly trying to kill him, refusing to smoke cigarettes or eat food until someone else takes the first drag or bite.<sup>407</sup> He suspects that the medical staff is out to get him and refuses to take his medications unless they are unsealed in front of him.<sup>408</sup> Sometimes, he refuses to take them at all because he does not trust the "monk people" in the pharmacy<sup>409</sup> or because he claims that they come from a Chinese pharmacy (they do not).<sup>410</sup> He refuses to consent to blood tests to monitor his thyroid condition because he believes that they give him ingrown toenails.<sup>411</sup> He has reported that other people invade his mind, place their thoughts there, and control his

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403. WATKINS, *supra* note 8, at 266.

404. *See, e.g.*, California Department of Corrections, Interdisciplinary Progress Notes/SCAN of Charles Manson (July 25, 2012) (on file with Author).

405. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (May 27, 2005) (on file with Author).

406. *See, e.g.*, California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 1, 5 (Dec. 6, 2011) (on file with Author) (diagnosing Manson with "schizophrenia, paranoid type," but concluding that "he remains stable within his current level of functioning, which appears to be [his] baseline"); California Department of Corrections, Interdisciplinary Progress Notes/SCAN of Charles Manson (Sept. 13, 2011) (on file with Author) ("[A]t times [Manson] was bizarre, and presents as mildly paranoid. He was tangential, and showed evidence of cognitive derailing in his train of thought. However, from [his psychiatric history], it seems this is baseline for this [patient] who is not on psychiatric medications and carries a diagnosis of Paranoid Schizophrenia."); California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 1, 7 (Sept. 13, 2011) (on file with Author) (describing Manson's "[l]ong standing" untreated "Chronic Paranoid Schizophrenia" as his "baseline level of functioning").

407. *See* DAVIS & LEBLANC, *supra* note 2, at 10-11.

408. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Oct. 9, 2003) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (June 29, 2003) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (July 21, 2000) (on file with Author); California Department of Corrections, Medical Records of Charles Manson (Aug. 28, 1997) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (July 21, 2000) (on file with Author); California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (May 12, 2000) (on file with Author).

409. California Department of Corrections, Medical Progress Note of Charles Manson (Aug. 8, 2013) (on file with Author).

410. California Department of Corrections, Medical Progress Note of Charles Manson (May 23, 2013) (on file with Author).

411. California Department of Corrections, Medical Progress Note of Charles Manson (May 23, 2013) (on file with Author); California Department of Corrections, Primary Care Provider Progress Note of Charles Manson (Sept. 27, 2013) (on file with Author).

behavior.<sup>412</sup> He claims to be a Vietnam veteran<sup>413</sup> and believes that the “Viet Cong” sent him to prison.<sup>414</sup> He believes that “the Catholic Church is coming to get [him].”<sup>415</sup> He is concerned that India (the country) will “throw a cup of gasoline on [him] and set [him] on fire.”<sup>416</sup> He believes that China has been “stealing all our air” for fifty years.<sup>417</sup> When a provider expressed her concern for Manson’s welfare, because he was not taking care of his daily activities and might be decompensating, Manson accused her of “[stealing his] wheelchair in Los Angeles.”<sup>418</sup>

Manson’s serious mental illness is highly material to the question of his innocence for two reasons. First, it makes the accounts of those who claimed to follow him like a guru significantly less credible. The documented symptoms of Manson’s illness, before the murders, during trial, and after conviction, paint a powerful portrait of the absurdity of the claims of those who say that they were his unquestioning “followers.” It is hard to imagine a group of well-educated, middle-class individuals slavishly following a homeless man while he was pacing and self-talking in rambling gibberish about magic, religion, and psychic barriers, all the while believing himself to be Jesus Christ.

Second, Manson’s mental illness, had it been evaluated and evidence of it presented at trial, could have been a defense. Delusional mental illnesses tend to make defendants more likely to be innocent in two ways. First, delusions and incoherent thinking – what one prison psychiatrist called Manson’s “distorted . . . thinking at the time of the crimes”<sup>419</sup> – make it difficult for an individual to form the specific intent to commit the crimes of

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412. California Department of Corrections, Forensic Psychological Examination of Charles Manson at Pelican Bay State Prison at 10 (Sept. 30, 1997) (on file with Author); California Department of Corrections, Psychological Examination of Charles Manson at San Quentin State Prison at 2 (Aug. 30, 1985) (on file with Author); California Department of Corrections, Neurology Consultation of Charles Manson at California Medical Facility (Apr. 13, 1982) (on file with Author).

413. California Department of Corrections, Refusal of Examination and/or Treatment of Charles Manson (Oct. 28, 2010) (on file with Author).

414. California Department of Corrections, Outpatient Interdisciplinary Progress Notes of Charles Manson (Dec. 30, 2002) (on file with Author).

415. California Department of Corrections, Outpatient Interdisciplinary Progress Notes of Charles Manson (Oct. 30, 2000) (on file with Author).

416. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson (Jan. 19, 2012) (on file with Author).

417. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson (Nov. 8, 2011) (on file with Author).

418. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson (July 10, 2008) (on file with Author).

419. California Department of Corrections, Interim Report of Charles Manson at 1 (Aug. 8 1972) (on file with Author).

facilitation and conspiracy.<sup>420</sup> Second, insanity is an affirmative defense to any crime, even one requiring general intent, because the criminal law does not hold morally responsible individuals who cannot appreciate the legal or moral significance of their actions.<sup>421</sup> Once again, this is not a satisfying conception of innocence – the *Perry Mason* real killer confesses. It is, nonetheless, innocence.

#### IV. PSYCHOLOGY

##### *“Mind Control”*

The mind-control theory originated primarily with Atkins and Watkins, who told police and D.A.s stories of Manson’s “programming.”<sup>422</sup> The theory grew when Watson asserted a diminished capacity defense, claiming that Manson’s “domination” kept from being in control of – or fully responsible for – his actions.<sup>423</sup>

Brainwashing or mind control, which psychologists refer to as “thought reform,” is a documented phenomenon, but it is rare, particularly in the absence of the prolonged physical coercion of war captivity.<sup>424</sup> The problem with the Manson case is not that mind control is never real, but that much of what is known about those who committed the murders is inconsistent with the established phenomenon, and the accounts of those pitching the mind-control narrative are full of gaps and concessions. As Manson has explained from prison, “when I start believing I might really possess all the powers attributed to me and I try to work a whammy on my

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420. See Cal. Penal Code § 28 (West 2003); see, e.g., *People v. Mendoza*, 959 P.2d 735 (Cal. 1998) (holding that Mendoza’s mental impairment stemming from intoxication was relevant to whether he was able to form specific intent); *People v. Reyes*, 52 Cal. App. 4th 975, 983-85 (Cal. Ct. App. 1997) (authorizing the jury to consider evidence of Reyes’s mental impairment to demonstrate his inability to form the required mental state); *People v. Ricardi*, 9 Cal. App. 4th 1427, 1432 (Cal. Ct. App. 1992) (authorizing the admission of evidence of Ricardi’s mental impairment to show that he did not possess the required mental state).

421. See Cal. Penal Code § 25(b) (West 1982); *People v. Skinner*, 704 P.2d 752 (Cal. 1985) (explaining that the test for insanity in California was whether the accused “was incapable of knowing or understanding the nature and quality of his or her act or of distinguishing right from wrong at the time of the commission of the offense”).

422. See WATKINS, *supra* note 8, at 244. Watkins maintains that “the majority of the populace” is in a programmed state of “hypnosis.” *Id.* at 277.

423. WATSON, *supra* note 5, at 163.

424. Dahlia Lithwick, *The Brainwashed Defense*, SLATE (Jan. 28, 2002, 4:20 PM), [http://www.slate.com/articles/news\\_and\\_politics/politics/2002/01/the\\_brainwashed\\_defense.single.html](http://www.slate.com/articles/news_and_politics/politics/2002/01/the_brainwashed_defense.single.html).

prison guard – he or she shuts the prison door in my face.”<sup>425</sup> CDC staff agree with Manson, noting that he has “[n]o known followers” in prison.<sup>426</sup>

The descriptions of Manson’s “programming,” while convenient, sound implausible. For example, according to several “witnesses,” *music* was Manson’s “primary means of programming the Family,”<sup>427</sup> and his mesmerizing songs were his “brainwashing.”<sup>428</sup> Atkins claimed that Manson mesmerized her with his singing.<sup>429</sup> Here is how Watkins described Manson’s “programming:” “Had the general public been exposed to Charlie’s music, they might well have understood, at least to some extent, the intensity of his presence. Music transcends the spoken word – explodes it into color and feeling; makes it live; gives it soul.”<sup>430</sup>

There is almost nothing to corroborate the claims of group members that Manson brainwashed them or commanded the murders. There are no writings (letters, diaries, threats) or tapes (surreptitiously recorded sessions, wiretapped phone conversations), although over the years conspiracy theorists have suggested the existence of a large archive of photos and videos of the Family that have never been made public, including at any of the trials.<sup>431</sup> There are no third-party (*i.e.*, non-“Family”) witnesses to “programming.” While one might not expect members of a cult secretly to record their leader, a family member or friend could have gone to the police: “Officer, please help. My child has taken up with a dangerous cult leader who is filling her mind with murderous revolutionary ideas.” The only exception is Lutesinger’s mother, who reported *Beausoleil* to police for kidnapping and statutory rape.<sup>432</sup>

The reports of outsiders are often inconsistent with the Svengali-like portrayal of Manson. For example, when Diane (“Snake Lake”) Bluestein’s mother attempted to retrieve her from Spahn’s Ranch, Lynette “Squeaky” Fromme, not Manson, rebuffed her.<sup>433</sup> According to Sanders: “Cults just tremble with joy at the thought of new recruits pouring fresh money into the

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425. EMMONS, *supra* note 2, at 26.

426. California Department of Corrections, Departmental Review Board Adjustment Center Review of Charles Manson (Oct. 5 1972) (on file with Author).

427. WATKINS, *supra* note 8, at 18, 63.

428. DAVIS & LEBLANC, *supra* note 2, at 102.

429. *See* Atkins & Schiller, *supra* note 52, at A1.

430. WATKINS, *supra* note 8, at 63.

431. *See* SANDERS, *supra* note 1, at 339.

432. *See* DAVIS & LEBLANC, *supra* note 2, at 161.

433. *See* SANDERS, *supra* note 1, at 27.

coffers,<sup>434</sup> but Manson tried to turn away the “throngs” of potential “recruits” who would appear.<sup>435</sup>

Manson does not appear to have directed the group’s non-murderous activities. According to Manson, when he initially wanted the group to relocate from their school bus to a more permanent commune in the Mojave Desert (which they eventually would do), the “kids” vetoed it, preferring to remain in the bus.<sup>436</sup> It was only after the group started getting “hassled” by the police for car theft, underage drinking, and drug use that they warmed to living in the desert.<sup>437</sup> According to Atkins, Manson tried to get her to stop taking acid when she was pregnant, telling her that “[c]hildren are precious” and admonishing her to “take care of [her]self,” but she refused, unwilling “to miss out on some fun just because [she] was pregnant.”<sup>438</sup>

Manson denies, rather plausibly, being “the dominant force behind all of the wrongs that went on,” explaining that “when twenty people are living together in a sharing situation, one individual’s thoughts and games wear out and other members contribute. Not all the thoughts and games played at Spahn and in our travels were mine.”<sup>439</sup> He also denies that his “individual goals” gave “purpose to the whole group,”<sup>440</sup> describing communal decision-making in which “everyone express[ed] their views and [threw] out suggestions.”<sup>441</sup> According to Manson:

I never meant to play boss or keeper. . . . I may have tried to direct our goals as a group, but I never locked anyone to me. In spite of what has been said since, everyone was always free to come and go as they pleased or hit the road for good if that was what they wanted. So, even with the [increasingly tense and discontented atmosphere], I wasn’t into hurting anyone except in self-defense. Never, at any time, did I feel our actions could push us into taking a human life.<sup>442</sup>

According to Manson, “if, in expressing my opinions about the whites and blacks and wanting to be away from their hassles means I wanted to

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434. *Id.* at 152.

435. *Id.* at 71.

436. EMMONS, *supra* note 2, at 137.

437. *Id.* at 173.

438. ATKINS, *supra* note 5, at 81-82.

439. EMMONS, *supra* note 2, at 144.

440. *Id.* at 150.

441. *Id.* at 155.

442. *Id.* at 175-76.

start the war and straighten out the world afterwards, then I'm not the only one with a huge imagination."<sup>443</sup>

Consistent with Manson's denials, by other accounts, he admonished his "Family" that he was not their leader, they should have no leaders, they were "free," and they could do what they wanted.<sup>444</sup> According to Watkins, Manson did not "indicate[] directly that [they] would have anything to do with perpetrating violence."<sup>445</sup>

Not only is "mind control" inconsistent with what even some of its proponents have portrayed, there is evidence that group members took advantage of Manson's emotional, socioeconomic, and psychiatric vulnerability. Manson described Fromme as "more capable of intimidating [him] than [him] her."<sup>446</sup> He told a therapist: "Squeaky Fromme was the man, I was the woman, and the horses ran the ranch."<sup>447</sup> Manson described himself as "a half-assed nothing who hardly knew how to read or write, never read a book all the way through in [his] life, didn't know anything except jails, couldn't hold on to [his] wives, was a lousy pimp, got caught every time [he] stole, [and] wasn't a good enough musician to hit the market . . . ."<sup>448</sup> He explained:

Vincent Bugliosi . . . would have the world believe I got out of prison and pledged my life to corrupting the youth of the country. Hey, those kids knew everything and did everything. I was the baby! I was sleeping in the park and calling it home. I was shining shoes for money to eat on.<sup>449</sup>

Manson's account of his vulnerability is consistent with what others have recorded. According to Watkins, Manson clung to and was more dependent on Fromme than she was on him.<sup>450</sup> While Manson was living at Spahn's Ranch, he tried to enlist the Straight Satans as his bodyguards, but they laughed at him.<sup>451</sup>

There is also evidence that other group members, rather than being followers, were leaders and organizers. "The girls" accrued "additional

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443. *Id.* at 173.

444. WATKINS, *supra* note 8, at 123, 224.

445. WATKINS, *supra* note 8, at 161.

446. EMMONS, *supra* note 2, at 107.

447. California Department of Corrections, Mental Health Interdisciplinary Progress Notes of Charles Manson (Jan. 7, 1999) (on file with Author).

448. EMMONS, *supra* note 2, at 222.

449. *Id.* at 81.

450. *See* WATKINS, *supra* note 8, at 106-07, 128.

451. *See* BUGLIOSI, *supra* note 5, at 103; DAVIS & LEBLANC, *supra* note 2, at 89.

spending power” by going out, picking up men, and stealing their credit cards.<sup>452</sup> Fromme counseled Ruth Ann Moorehouse to get married at fourteen to emancipate herself from her parents and join the group<sup>453</sup> and took possession of identity documents and credit cards confiscated from new members, keeping them in her “I.D. cache.”<sup>454</sup> Years after the disintegration of the “Family,” she went on not only famously to attempt to assassinate President Ford, but also to attack another prisoner with a hammer.<sup>455</sup>

Watson had sex with Kasabian her first night in the Family, during which he “kept up [the] steady chant of there is no good / there is not evil, and everything belongs to everybody,” convincing her to steal a friend’s inheritance.<sup>456</sup> According to Kasabian, one time when Gillies “went off by herself without checking out,” Watson threatened her, warning her that he would kill her the next time.<sup>457</sup>

Watkins was a “polished operator,” “pimp and ace recruiter” for the group, and he “used many ploys to get the girls.”<sup>458</sup> He admitted recruiting attractive high-school girls for sex.<sup>459</sup> He described himself “at the top [of the Family] alongside Charlie, getting [his] fill of all the goodies and privileges.”<sup>460</sup> He admitted that he was often “in charge,”<sup>461</sup> although he explained, self-servingly, that he was in charge with Manson’s consent to “[take] the pressures off him [and give] him a chance to rest and observe.”<sup>462</sup>

Atkins described Beausoleil as having “an unusual ability to motivate young people, especially women” and giving Manson “a run as a leader.”<sup>463</sup> Sanders described Beausoleil as having his own “followers.”<sup>464</sup> Beausoleil recruited VanHouten, Share, and Lutesinger.<sup>465</sup> According to Beausoleil, he

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452. DAVIS & LEBLANC, *supra* note 2, at 17.

453. See EMMONS, *supra* note 2, at 121.

454. SANDERS, *supra* note 1, at 153.

455. See *id.* at 499.

456. *Id.* at 153.

457. *Id.* at 179-80.

458. DAVIS & LEBLANC, *supra* note 2, at 79-82.

459. WATKINS, *supra* note 8, at 96, 146.

460. *Id.* at 178.

461. *Id.* at 109 (“I knew I was in charge.”), 110 (“I had been responsible for the scene.”), 112 (“I had unwittingly assumed leadership, moving from a role of passive submission to one of self-assertion.”).

462. *Id.* at 74.

463. ATKINS, *supra* note 5, at 71.

464. SANDERS, *supra* note 1, at 33.

465. See EMMONS, *supra* note 2, at 134; SANDERS, *supra* note 1, at 74, 115.

would add “[a]bout one in a hundred of the girls [that he would] make love to” to his pack.<sup>466</sup>

Even Moorehouse “went on a Jesus-identity trip, . . . declaring himself both the Christ and the devil as he made himself happy at the parties during [the summer of 1968] at Melcher’s home and [Beach Boy Dennis] Wilson’s residence.”<sup>467</sup> According to Watson, Moorehouse and “the girls” spoke to him about being “all part of the same organic whole” and “letting that old ego die” to be free.<sup>468</sup> After he moved to Spahn’s Ranch, the women “constantly preach[ed] to [him] that [he] wasn’t as dead as [he] should be, that [he] hadn’t reached awareness.”<sup>469</sup>

According to Watson, Atkins ordered “[t]he other girls around a lot.”<sup>470</sup> In summer 1968, Brunner, who had a newborn baby, “took” an “acid charge” for Atkins, spending sixty days in jail, so that Atkins could go free.<sup>471</sup> Atkins claimed that she was “able to manipulate and control [the other girls], . . . drawing from them the same sort of loyalty” as Manson.<sup>472</sup> According to Atkins’s friends, she “actively put[] Manson down and assert[ed] her independence.”<sup>473</sup>

The behavior of several “followers” is more consistent with their being manipulative than manipulated. Sanders described Fromme’s and Sandra Good’s superlative abilities to “run the We-are-sweet-innocent-flower-waifs scam.”<sup>474</sup> After Manson went to prison, they continued trying to attract their own “recruits,” and Fromme attempted to manipulate Fitzgerald into forwarding her letters to Atkins, VanHouten, and Krenwinkel as attorney-client correspondence.<sup>475</sup> One of VanHouten’s prosecutors described her ability to “charm” men into becoming her advocates.<sup>476</sup>

There are also suggestions that Manson’s “followers” made fun of him, rather than taking his delusional prophecies seriously. Watson described Manson’s world as “magical”<sup>477</sup> and his visions as “unrealistic.”<sup>478</sup> He admitted that he “didn’t understand a lot of [Manson’s teachings],

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466. SANDERS, *supra* note 1, at 74.

467. *Id.* at 35.

468. WATSON, *supra* note 5, at 54.

469. *Id.* at 60.

470. WATSON, *supra* note 5, at 63.

471. SANDERS, *supra* note 1, at 76-77.

472. ATKINS, *supra* note 5, at 77.

473. SANDERS, *supra* note 1, at 99.

474. *Id.* at 304.

475. *Id.* at 481.

476. *Id.* at 498.

477. WATSON, *supra* note 5, at 154.

478. *Id.* at 123.

especially when he started talking about the messages the Beatles were sending him through their music . . . .<sup>479</sup> He also admitted that he “never quite understood how this fit in with [their] escaping into the Bottomless Pit . . . .”<sup>480</sup> Watson conceded that, when Manson “began feeding what little food [they] had left to some burros at Barker Ranch, [he] started wondering if he knew what he was doing.”<sup>481</sup>

Watkins similarly conceded that Manson’s rants “sounded pretty farfetched,” Manson had become “a victim of his own imagination” and, apparently unlike the rest of the group, “ultimately [Manson] really believed he was destined to engineer a race war.”<sup>482</sup> Atkins admitted that she thought that Manson’s plan was crazy.<sup>483</sup>

Group members made fun of Manson’s delusions, joking about how quickly new people would “fall into the hole . . . in the infinite.”<sup>484</sup> While Manson referred to the group’s emergency stores as “The Just-in-Case Place,” the group referred to them ironically as “the Helter Shelter.”<sup>485</sup> They opened a “Helter Skelter Club” at Spahn’s Ranch.<sup>486</sup>

After Manson’s arrest, the Family carried right along without its “leader.”<sup>487</sup> Share and Fromme continued to “take care of the elderly ranch owner so that the group could remain at Spahn’s.”<sup>488</sup> Watkins, by his own account, “fell into the role” of leader<sup>489</sup> and “assumed control.”<sup>490</sup>

On the day that prosecutors disclosed to Manson his “followers” statements blaming him for the murders, the group “at Spahn’s had set things up for an acid trip to celebrate [their] return.”<sup>491</sup> They played music, smoked “grass,” and dropped acid.<sup>492</sup> “Afterward, [they] all made love, then lay around rapping and listening to music.”<sup>493</sup> They continued their music, playing professionally and calling themselves “Minstrel’s Magic.”<sup>494</sup>

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479. WATSON, *supra* note 5, at 93.

480. *Id.* at 25.

481. WATSON, *supra* note 5, at 27.

482. WATKINS, *supra* note 8, at 139.

483. *See* ATKINS, *supra* note 5, at 90.

484. WATKINS *supra* note 8, at 128.

485. *Id.* at 156-57.

486. WATSON, *supra* note 5, at 117.

487. *See* SANDERS, *supra* note 1, at 342.

488. WATKINS, *supra* note 8, at 245.

489. *Id.* at 246.

490. WATKINS, *supra* note 8, at 253.

491. *Id.* at 252.

492. *Id.* at 252-53.

493. *Id.* at 253.

494. *Id.* at 260-61.

What is particularly noteworthy about the mind-control theory is not that the murderers would promote it, in light of their self-serving interest, but rather the ease with which the public and even law enforcement believed it, particularly without corroboration. The proponents of the brainwashing claim conceded that much of the narrative about Manson was fabricated. According to Atkins, “Bugliosi . . . gave Charlie more credit for criminal intelligence than he deserved.”<sup>495</sup> She rejected the State’s version of the murders as far-fetched:

Vincent Bugliosi . . . remained convinced that the Manson Family had had a wild and massive plot to bring about Armageddon and flee to the bottomless pit in the desert, from where Charles Manson – sometimes thought of as Jesus Christ – would one day be summoned to lead the world. It is entirely possible that some in our group – perhaps including Charlie himself – had . . . slipped into such ideas. But to the best of my understanding, [a plan to commit copycat murders to exonerate Beausoleil in the Hinman murder] was the primary motive behind . . . the Tate-LaBianca murders.<sup>496</sup>

Star witness DeCarlo told a reporter that “the true motive had not been told.”<sup>497</sup> Even Doris Tate, Sharon Tate’s mother, rejected Helter Skelter as an insufficient explanation for the murders.<sup>498</sup>

Generally, the criminal-justice system presumes that people act voluntarily, exercising free will. It certainly shows more skepticism toward “mind-control” when it is advanced as a defense. Courts decline to allow defendants to present the defense. For example, Steven Fishman attempted to assert an insanity defense to mail-fraud charges based on his membership in the Church of Scientology, whose doctrine he claimed coerced him into his crimes.<sup>499</sup> The trial court excluded the defense, finding that the proffered expert witnesses lacked sufficient scientific basis to opine that he had been brainwashed.<sup>500</sup>

The case of Patty Hearst and the SLA is perhaps the most famous example of the criminal-justice system’s rejection of “brainwashing” as an explanation for criminal actions. Hearst was convicted for her role in armed bank robberies, which she committed with and on behalf of the SLA,

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495. ATKINS, *supra* note 5, at 89.

496. *Id.* at 101.

497. SANDERS, *supra* note 1, at 258.

498. *See id.* at 511.

499. *See* Lithwick, *supra* note 424.

500. *See id.*

after it violently kidnapped and tortured her in captivity for months.<sup>501</sup> While the court permitted Hearst to mount a duress defense based on a brainwashing theory, the jury rejected it.<sup>502</sup>

### *Folie a Deux*

This is not to suggest that group psychology played no role in the murders. It just appears to have played a different one than what is portrayed in conventional tellings. If not mind control, how else to explain why a group of privileged young adults, with no significant prior signs of antisocial behavior, engaged in spree killing? Group contagion is a more plausible theory.

California in the late 1960s was a beacon for “youngsters seeking experience and truth away from their comfortable middle-class homes.”<sup>503</sup> As Sanders explained: “One almost had to live there to understand the frenzy that engulfed the Haight-Ashbury district of San Francisco in the spring and summer of 1967.”<sup>504</sup>

When Watson arrived in California, he discovered “hippies and psychedelic shops and people ‘turning on’ on the sidewalk.”<sup>505</sup> “It was a long way from Texas and if freedom was what [he’d] been looking for, [he] was certain this was it.”<sup>506</sup> Atkins also “went straight to Haight-Ashbury [where she met Manson] in search of a life.”<sup>507</sup>

At Spahn’s Ranch, the group “played . . . cowboys and Indians, Mexican knife fighters, flatlanders versus the hill people, Charlie Manson as Mexican badass raping the stockbroker’s daughter from San Diego.”<sup>508</sup> Watson described it as “children at play, living the fantasies we made. . . . One day we’d dress up as cowboys, the next we might be Leslie [VanHouten]’s mountain folk, the day after that we were cool Hollywood types in soft shirts and sunglasses.”<sup>509</sup> Watkins confessed that he “enjoyed playing commandos on the outskirts of L.A.”<sup>510</sup> According to Atkins, she was “hooked, even on the hysteria.”<sup>511</sup> In Watkins’s words, “living day in

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501. *See id.*

502. *See id.*

503. DAVIS & LEBLANC, *supra* note 2, at 66.

504. SANDERS, *supra* note 1, at 15.

505. WATSON, *supra* note 5, at 21.

506. *Id.* at 41.

507. ATKINS, *supra* note 5, at 60.

508. SANDERS, *supra* note 1, at 71.

509. WATSON, *supra* note 5, at 68.

510. WATKINS, *supra* note 8, at 163.

511. ATKINS, *supra* note 5, at 88.

and day out with a group of people with whom you've shared all manner of experiences, without inhibition, binds you deeply. It wasn't only Charlie. . . . The Family met many needs: sexual, spiritual, communal, recreational, artistic. We were brothers, sisters, fathers, mothers, lovers to each other."<sup>512</sup>

The "vibe" continued in Manson's absence. According to Watkins: "Even when Charlie was gone, the intensity was almost the same . . . ." <sup>513</sup> He recounted one incident, "when Charlie was gone" and Fromme was "standing before the fireplace urging [them] to forsake [their] games and ego trips. 'We have to flow with the love!' she wailed . . . . 'We have to let the love happen. Charlie is our love, and we are Charlie's love. It's all one. It's all happening now . . . so just let it go . . . just drop it . . . let it die . . . die, motherfuckers! Let it die!'"<sup>514</sup>

By February 1969, the group considered themselves "a band of tuned-in, spiritually hip revolutionaries – destined to make a mark on a decadent, disintegrating civilization."<sup>515</sup> They enjoyed breaking and entering houses.<sup>516</sup> "It was like going out on Halloween and taking your treat without ever knocking on the door."<sup>517</sup> At night, they "played music and sang the songs of revolution."<sup>518</sup>

Drugs, of course, played a role. Watson was high on speed when he committed the Tate-La Bianca murders.<sup>519</sup> He and Atkins "had been secretly . . . inhaling . . . crystal speed" for several days leading up to the slaughter, keeping their "own private stash and . . . using it constantly."<sup>520</sup>

According to Sanders, who had extensive contact with the Family, they continued to have "a Dream World" quality after Manson's arrest.<sup>521</sup> They would hold "water-drinking" ceremonies, in which they would place candles and a glass of water in the middle of the room and watch as Manson drank it from jail, claiming that "the water in the glass . . . would go down."<sup>522</sup>

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512. WATKINS, *supra* note 8, at 159.

513. *Id.* at 151, 153.

514. *Id.* at 151.

515. *Id.* at 145-46.

516. *See id.* at 151.

517. *Id.*

518. *Id.* at 157.

519. *See* WATSON, *supra* note 5, at 139, 145.

520. ATKINS, *supra* note 5, at 104.

521. SANDERS, *supra* note 1, at 355.

522. *Id.* at 464.

*Projection*

The official interpretation of the murders is that Manson commanded his brainwashed followers to commit them. An equally plausible explanation, however, is that group members whipped themselves into a frenzy, heightened by Manson's delusions. They were followers in search of a leader before they met Manson, primed to find their guru by history, culture, and romanticism. They were not really following Manson, but instead the idea of him. It is as if Manson was an oracle. He could just as easily have been an inanimate object—a rabbit's foot, a Magic Eightball, a Ouija board—and they would have revered him the same. But their reverence did not make him a deity, any more than worshipping a rubber traffic cone makes it a god. It certainly does not mean that Manson "directed" their actions. As one of Manson's psychiatrists explained, Manson's "narcissistic rage for real or imagined slights" was "taken literally by his followers as [a] license to kill."<sup>523</sup>

Sanders described Manson as attracting individuals who were "superstitious and spiritist types anyway."<sup>524</sup> Fitzgerald pointed out, "Manson was gone half the time, but the girls on the ranch, still, like[d] to pretend he was ever on hand."<sup>525</sup> Manson himself claimed "that he was merely a reflection of those around him"<sup>526</sup> and that the "kids were expressing their own ideas more than what was going through [his] mind."<sup>527</sup>

Atkins described herself as always "desperately want[ing] something to grab hold of."<sup>528</sup> When she first met Manson, playing his guitar: "It was as though something was sitting on his shoulder talking to something sitting on [her] shoulder. It was as though [their] two minds were speaking."<sup>529</sup> She quickly "experienced a moment unlike any other" during which she and Manson, "dancing, passed through one another . . . as though [her] body . . . actually passed through him. . . . It was beyond human reality."<sup>530</sup> Atkins, stoned, "looked at Charlie across the room. The men were clustered around him. [She] counted; there were twelve. In his lengthening hair and beard,

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523. California Department of Corrections, Forensic Psychological Evaluation of Charles Manson at 2 (Jan. 14, 1997) (on file with Author).

524. SANDERS, *supra* note 1, at 21.

525. *Id.* at 421.

526. *Id.* at 44.

527. EMMONS, *supra* note 2, at 165.

528. ATKINS, *supra* note 5, at 170.

529. *Id.* at 3.

530. *Id.* at 4.

his eyes staring intently from face to face, he looked like Jesus talking to his twelve apostles. . . . [She] felt he might be Christ.”<sup>531</sup>

When Watson met Manson, he “realized that this was what [he] was looking for: love. . . . the kind of love [he] seemed to be feeling right [then], sitting around [a] coffee table getting zonked on some of the best hash [that he’d] ever had, with a rock star and a fat old hippie and the little guy with the guitar [Manson] who just kept singing softly, smiling to himself.”<sup>532</sup>

Group members, primed to find wisdom in their oracle, invented prophecies from Manson’s psychiatric symptoms. According to Atkins, it sometimes “seemed that [Manson] babbled, but there was knowledge in it.”<sup>533</sup> “[W]hen Charlie talked . . . , we all heard different things. He spied generalities and we supplied the details individually. . . . The sentences all ran together, and [her] mind seemed torn and twisted at it tried to wrestle with them, but . . . they sounded like the greatest words of wisdom ever uttered.”<sup>534</sup>

As Manson himself explained:

If a white towel, some very dirty feet and some words from a dope-taking ding-a-ling broad [Atkins] can lead a bunch of people into believing a guy is some kind of God, I feel there are a lot of people in this world who are crazier than most would like to believe I am.<sup>535</sup>

Many Family members had cult experience on their resumes when they met Manson. Kasabian was “no stranger to communes.”<sup>536</sup> She lived in “communeland,” Taos, New Mexico.<sup>537</sup> She had “crashed in cheap hotels and communes and had taken psychedelics in quantity before coming to Spahn’s [Ranch]” one month before the Tate murders.<sup>538</sup> Kasabian accepted Share’s invitation to go to Spahn’s Ranch in lieu of her previous plan “to go to the July 4 Love-In on Topanga Beach.”<sup>539</sup> Sanders described Kasabian as “ready for it, for she had grown up . . . roaming sweet from commune to

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531. *Id.* at 71.

532. WATSON, *supra* note 5, at 50-51.

533. ATKINS, *supra* note 5, at 7.

534. *Id.* at 81.

535. EMMONS, *supra* note 2, at 128.

536. *Id.* at 186.

537. SANDERS, *supra* note 1, at 146.

538. WATKINS, *supra* note 8, at 157-58.

539. *See* EMMONS, *supra* note 2, at 186; SANDERS, *supra* note 1, at 152.

commune since she was sixteen.”<sup>540</sup> After the murders, she relocated to the Church of Macrobiotics near Taos.<sup>541</sup>

When Atkins met Manson, she had just left another “family” commune, which had been broken up in a drug raid and without which she “couldn’t survive.”<sup>542</sup>

After listening to Charlie sing and talk, after dancing with him and making love, after sensing and seeing the power of his mind, [she] knew [that she] would go with him if he asked [her. She] felt fully responsible for [her] actions, but at the same time [she] knew there was something inside [her] that was attracted to something inside him.

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[Her] father, brothers, and [she] were irreparably torn apart, it seemed. [She] had come close, but so far had found no substitute. Charlie had instantly seemed more of a father to [her] than [her] own father.<sup>543</sup>

In August 1969, while living at Spahn Ranch, she and Krenwinkel tried to join the nearby Fountain of the World commune instead.<sup>544</sup>

Davis went to London to study Scientology before returning to California, “to live it up with the hippie generation” and “stun the world” with Helter Skelter.<sup>545</sup> While in London, Davis “hung out . . . with a satanic occult group”<sup>546</sup> and “became familiar with a very vehement wing of . . . the Fraternity of Lucifer . . . world-wide satanic organization.”<sup>547</sup> When Beausoleil met Manson, he already had “more than a passing interest in devil worship and magic” and “believed himself to be the devil.”<sup>548</sup>

Share claimed that she was “a born revolutionist” and “lived through the underground scene in France during World War II.”<sup>549</sup> She also claimed “that she was a ‘white witch’ who could postulate anything and see it come to pass.”<sup>550</sup>

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540. SANDERS, *supra* note 1, at 153.

541. *See id.* at 274.

542. ATKINS, *supra* note 5, at 4-5.

543. *Id.* at 63.

544. *See* DAVIS & LEBLANC, *supra* note 2, at 95.

545. EMMONS, *supra* note 2, at 115; SANDERS, *supra* note 1, at 90; WATKINS, *supra* note 8, at 236.

546. SANDERS, *supra* note 1, at 130.

547. SANDERS, *supra* note 1, at 90.

548. *Id.* at 24.

549. ATKINS, *supra* note 5, at 151.

550. *Id.* at 160.

Group members built the popular conception of Manson, often out of whole cloth. Watkins admitted that he had “done everything” that he could to “promote” Helter Skelter.<sup>551</sup> Atkins claimed that, after the murders, Manson gave her reassurance, but not “aloud,” because “[h]e didn’t have to say it.”<sup>552</sup> She “just felt it,” because “[t]hat’s the way Charlie was. He didn’t need to speak, he just came on.”<sup>553</sup> According to Atkins, when she met with Manson in the L.A. County Jail, in the meeting in which Manson engaged in psychotic disorganized speech, her attorney and the sheriff, who were also in the room, “had practically no idea what he was talking about, but [she] grasped most of his meaning . . . . The essence of his remarks, which were *tantamount* to directives, was that [she] should fire [her attorney], drop . . . an insanity plea, and refuse further discussion with [the prosecutor].”<sup>554</sup>

After Manson’s conviction, Brunner, Share, and other “Mansonites,” switched their allegiance to Aryan Brother Kenneth Como.<sup>555</sup> When Como was arrested for an armed robbery that they facilitated, Good helped to break him out of jail by driving the getaway van.<sup>556</sup> When Share and Brunner were charged with robbery, they pleaded not guilty by reason of insanity.<sup>557</sup> After they were convicted, they found a new guru named “Spider” whom they decided was “so much more together than Charlie ever was.”<sup>558</sup> Share later married Como in prison.<sup>559</sup>

People claimed that Manson continued to exert mind control over them long after his doing so had ceased even to be physically possible. During the Tate-LaBianca trial, spectators reported that they had been “hypnotized” by Manson through eye contact in the courtroom and had become “one” with him.<sup>560</sup> More than a year after her conviction, Krenwinkel shaved her head to protest her confinement in the Special Security Unit of the California Institution for Women (“SSU-CIW”). She claimed that she “had

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551. WATKINS, *supra* note 8, at 166.

552. Atkins & Schiller, *supra* note 52, at A23.

553. *Id.*

554. ATKINS, *supra* note 5, at 123-24 (emphasis added).

555. *See* SANDERS, *supra* note 1, at 473-74.

556. *See id.* at 474.

557. *See id.* at 478.

558. ATKINS, *supra* note 5, at 143.

559. *See* SANDERS, *supra* note 1, at 496.

560. *Id.* at 399.

heard from Charlie during the night” and he had told her to do so.<sup>561</sup> VanHouten and Atkins followed suit.<sup>562</sup>

Atkins continued to be a follower in search of a leader after her conviction. When a local college representative visited the SSU with course offerings, Atkins told her that she had “an opportunity to teach [her] anything” because she was “like an open vessel.”<sup>563</sup> While serving her life sentence, Atkins “fell overboard” with an inmate from another prison, until she discovered that he “had been carrying on romances with women all over the state.”<sup>564</sup> She subsequently embraced Christianity after old friends and strangers wrote her letters and sent her religious material<sup>565</sup> and acknowledged that she “had become very dependent” on the friends that had converted her, rather than on the tenets of her new religion.<sup>566</sup> It was after her conversion that she decided that she was “brainwashed” into committing murder.<sup>567</sup>

Good and Fromme fell in with the environmental cult “EcoKill” and began to wear “long red gowns with red hoods.”<sup>568</sup> They formed a “corporation” called “Good/Fromme, Inc. . . . to clean up the earth.”<sup>569</sup> In September 1975, Fromme famously donned her bright red floor-length gown and “elf cap” and attempted to assassinate the President.<sup>570</sup> A few days later, Good released a list of national leaders that she had “marked for death” for polluting, claiming to be an assassin for the “International People’s Court of Retribution.”<sup>571</sup>

The authorities even piled on. The California Department of Justice developed a list of thirty-five murders from around California in which they suspected Manson’s involvement,<sup>572</sup> although they never charged him in connection with any. A D.A.’s network in California looked into whether Manson was the Zodiac.<sup>573</sup> The Immigration and Naturalization Service

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561. ATKINS, *supra* note 5, at 139.

562. *See id.*

563. *Id.* at 140.

564. *Id.* at 161-62.

565. *See id.* at 173-77.

566. *Id.* at 189. Atkins also acknowledged that she “acquired” a television set, “a wide variety of clothes,” and “even some goodies to accommodate [her] . . . sweet tooth” when she was in prison, “all from the Lord’s people.” *Id.* at 215.

567. SANDERS, *supra* note 1, at 488.

568. *Id.* at 486.

569. *Id.*

570. *See id.* at 67, 487-89; WATKINS, *supra* note 8, at 267.

571. SANDERS, *supra* note 1, at 491.

572. *See id.* at 406.

573. *See id.* at 406, 519-20.

investigated a connection between Manson, international Satanists, Sirhan Sirhan's assassination of Robert Kennedy, and the Son of Sam killings.<sup>574</sup> The Secret Service has an ongoing "hold" placed on Manson, which it renews regularly, precluding his release from prison because it has deemed him "a threat to the life of the President."<sup>575</sup>

## V. ONE OF THESE THINGS IS NOT LIKE THE OTHER

### *Mayberry Effect*

The murders occurred in what is referred to as "a different (and more innocent) time." Natural Born Killers and the Bling Ring were decades away. The idea of spree killing privileged, white teenagers, mostly girls, was unthinkable. After the "Manson Family" arrests, the press began to question how a group of clean-cut, middle-class, all-American kids could have become deranged counterculture murderers.<sup>576</sup> As Davis and LeBlanc explained:

The Family indictment was that of murder at random – the idea that murder could come knocking at any door, that a slaughter could happen at anybody's house, anywhere. And if that was not horror enough, there was the clear possibility that not only could the victims have been anybody, but the murderers, too, could be anybody: the nice-looking girl down the street, the smiling teenage boy from a small town, anybody's son or daughter.<sup>577</sup>

The murders demanded an explanation, beyond the random actions of drug-addled psychopaths. The mind-control theory of Manson's involvement arose out of this cultural soul searching. Manson was presented as "some kind of mystical super-being that could look into the eyes of another and make him or her carry out [his] every whim," a "Pied Piper who lured kids into crime and violence."<sup>578</sup>

One of the enduring questions about the *Manson* case is whether the "mind control" theory would be swallowed so easily today. Has the criminal-justice system grown up, becoming more skeptical and less easily

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574. *Id.* at 483-84.

575. California Department of Corrections, Classification Chronology of Charles Manson (on file with Author).

576. See WATSON, *supra* note 5, at 32.

577. DAVIS & LEBLANC, *supra* note 2, at 192-93.

578. EMMONS, *supra* note 2, at 26.

swayed by the say-so of a handful of young murderers? Or was there something unique about Manson that made the otherwise implausible stories of brainwashing easier to swallow?

### *Touch of Class*

Contrary to the common portrayal of Family members, who ranged in age from fifteen to twenty-six,<sup>579</sup> as neglected kids,<sup>580</sup> they came almost universally from loving, middle-to-upper-class families, “where they got money, education, clothes, care and charge accounts.”<sup>581</sup> They were “‘nice kid’ types who could have been from the average American family.”<sup>582</sup> Many of them were “stunningly attractive, pure-looking choir-girl types.”<sup>583</sup>

Beausoleil was a “Hollywood kid.”<sup>584</sup> Davis was the editor of his high-school yearbook and attended the University of Tennessee before “he dropped down from America and became a transient undergrounder.”<sup>585</sup> Share’s father was a psychologist, and she was an accomplished violinist.<sup>586</sup> Brunner was “pampered all her life.”<sup>587</sup> She was a college graduate and a librarian at UC-Berkeley when she met Manson.<sup>588</sup> Lutesinger grew up on the prosperous Lutesinger Ranch.<sup>589</sup> Fromme grew up in Redondo Beach, and her father was an aeronautical engineer.<sup>590</sup>

Atkins grew up in “a pleasant middle-class home” outside of San Jose,<sup>591</sup> where she once dated her future prosecutor, Deputy D.A. Stephen Kay.<sup>592</sup> She sang in the glee club and the church choir.<sup>593</sup>

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579. See WATKINS, *supra* note 8, at 39.

580. See, e.g., DAVIS & LEBLANC, *supra* note 2, at 32 (“Charles Manson took a collection of lost and neglected young women and society castoffs and turned them in to a rampaging violent cult of killers . . . his army of emotional zombies who would have done anything for the only ‘father’ many of them had ever known.”).

581. *Id.* at 73.

582. DAVIS & LEBLANC, *supra* note 2, at 177.

583. *Id.* at 142.

584. WATKINS, *supra* note 8, at 39.

585. SANDERS, *supra* note 1, at 17.

586. See ATKINS, *supra* note 5, at 151.

587. EMMONS, *supra* note 2, at 91.

588. See WATKINS, *supra* note 8, at 276; WATSON, *supra* note 5, at 61.

589. See SANDERS, *supra* note 1, at 133.

590. See *id.* at 13; WATKINS, *supra* note 8, at 56.

591. DAVIS & LEBLANC, *supra* note 2, at 77.

592. See ATKINS, *supra* note 5, at 13-14; SANDERS, *supra* note 1, at 523-24.

593. See DAVIS & LEBLANC, *supra* note 2, at 77.

Krenwinkel was also well educated, a former Sunday school teacher.<sup>594</sup> She grew up in a “comfortable home in Inglewood” and attended a private Jesuit college.<sup>595</sup> She looked “like a fresh-faced farm girl.”<sup>596</sup>

Watkins grew up in a loving middle-class family in Thousand Oaks, where he was student-body president, active in church groups, and played trumpet in a youth band.<sup>597</sup> His father was an oil-company executive.<sup>598</sup>

Watson had a “very happy” childhood, growing up “in the same white frame house.”<sup>599</sup> He was an honors student, Boy Scout, track and football star, and was voted most likely to succeed in high school.<sup>600</sup> He attended North Texas State College, where he studied business and pledged Pi Kappa Alpha.<sup>601</sup> His father owned the supermarket and gas station in his hometown.<sup>602</sup>

Good was “a bright, well-read college graduate.”<sup>603</sup> She came from “a wealthy family and had been a debutante.”<sup>604</sup> Her father was a stockbroker, and she had a private plane.<sup>605</sup>

VanHouten grew up in a middle-class suburb.<sup>606</sup> She was “pretty,”<sup>607</sup> a good student, cheerleader, the homecoming queen, sang in her church choir, and her parents were “pillars of respectability.”<sup>608</sup> In Watkins’s words, they were a “Family of twenty-five, . . . products of the middle or upper middle class, sons and daughters of well-to-do and respected ‘pillars’” of American society.<sup>609</sup>

Manson, on the other hand, was “a hard-core ex-con,” “obviously older than the others,” who came from “the impoverished hill country” of

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594. See ATKINS, *supra* note 5, at 134; SANDERS, *supra* note 1, at 16.

595. DAVIS & LEBLANC, *supra* note 2, at 181-83.

596. *Id.* at 181.

597. See DAVIS & LEBLANC, *supra* note 2, at 12; WATKINS, *supra* note 8, at 3, 14-16.

598. See DAVIS & LEBLANC, *supra* note 2, at 75.

599. WATSON, *supra* note 5, at 32, 36.

600. See SANDERS, *supra* note 1, at 36; WATKINS, *supra* note 8, at 276; WATSON, *supra* note 5, at 12, 32-33, 35.

601. See SANDERS, *supra* note 1, at 36; WATKINS, *supra* note 8, at 276; WATSON, *supra* note 5, at 35-36.

602. See WATSON, *supra* note 5, at 30-31.

603. SANDERS, *supra* note 1, at 30.

604. WATKINS, *supra* note 8, at 50.

605. See DAVIS & LEBLANC, *supra* note 2, at 93; SANDERS, *supra* note 1, at 30.

606. See DAVIS & LEBLANC, *supra* note 2, at 93; WATKINS, *supra* note 8, at 96.

607. DAVIS & LEBLANC, *supra* note 2, at 186.

608. SANDERS, *supra* note 1, at 74; WATKINS, *supra* note 8, at 96, 276.

609. WATKINS, *supra* note 8, at 124.

Appalachian West Virginia and could “barely write [his] name.”<sup>610</sup> He has a third-grade education.<sup>611</sup> His “worldly possessions” consisted of three changes of clothing, a sleeping bag, and his guitar.<sup>612</sup> He has been incarcerated for almost his entire life, beginning with a string of juvenile reform schools when he was nine years old, his adult convictions prior to the murders primarily related to theft.<sup>613</sup> He had “no real family ties.”<sup>614</sup> His mother was an unmarried teenager,<sup>615</sup> “an alcoholic and a prostitute.”<sup>616</sup> He grew up in poverty, “in and out of orphanages, foster homes, reform schools, [and] jails.”<sup>617</sup> When he was twelve, his mother voluntarily surrendered him so that she could devote her time to a new boyfriend.<sup>618</sup> He ran away from a series of state homes, burglarizing private residences to survive and committing his first armed robbery at thirteen.<sup>619</sup> At fourteen, “he rented his own room and supported himself with odd jobs and thievery,” leading to “a long, almost unbroken series of jail sentences.”<sup>620</sup> As one prison psychiatrist summarized: “Manson is the product of a chaotic, disruptive childhood, compounded by a history of psychosis, and being brought up in . . . corrective institutions since early childhood.”<sup>621</sup>

Today, the cognitive science of implicit bias is well established.<sup>622</sup> It shows that biased intergroup judgments result from ordinary cognitive

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610. EMMONS, *supra* note 2, at 103; SANDERS, *supra* note 1, at 4, 58; WATKINS, *supra* note 8, at 18, 21.

611. California Department of Corrections, Psychiatric Evaluation of Charles Manson at 1 (May 25, 1976) (on file with Author); California Department of Corrections, Sequin Unit Screening of Charles Manson (April 23, 1974) (on file with Author); California Human Relations Agency Memorandum (June 7, 1971) (on file with Author).

612. *See* EMMONS, *supra* note 2, at 86.

613. California Department of Corrections, Psychiatric Evaluation of Charles Manson at 1 (May 25, 1976) (on file with Author); California Department of Corrections, Psychiatric File of Charles Manson (April 24, 1974) (on file with Author).

614. California Department of Corrections, Psychiatric Evaluation of Charles Manson at 1 (May 25, 1976) (on file with Author).

615. *See* ATKINS, *supra* note 5, at 65.

616. WATSON, *supra* note 5, at 73.

617. WATKINS, *supra* note 8, at 21, 38.

618. *See* EMMONS, *supra* note 2, at 34-35.

619. *See* ATKINS, *supra* note 5, at 66; EMMONS, *supra* note 2, at 35-38; WATKINS, *supra* note 8, at 43.

620. SANDERS, *supra* note 1, at 432-33.

621. California Department of Corrections, Psychiatric Evaluation of Charles Manson at 2 (May 25, 1976) (on file with Author).

622. *See* Anthony G. Greenwald, *Measuring Individual Differences in Implicit Cognition: The Implicit Association Test*, 74 J. PERSONALITY & SOC. PSYCH. 1464, 1464 (1998) (“Implicit attitudes are manifest as actions or judgments that are under the control of automatically activated evaluation, without the performer’s awareness of that causation.”).

processes.<sup>623</sup> For example, people associate wrinkles with age, skin color with race, and Canadian accents with politeness without consciously equating them.<sup>624</sup> We harbor unconscious, learned stereotypes, habitually and automatically categorizing and assigning perceived group attributes to one another.<sup>625</sup> This process of categorization allows us to “understand[] what some thing is by knowing what other things it is equivalent to and what other things it is different from.”<sup>626</sup> “Categorization of a person into a group establishes expectations about the person . . . that are formed before actually seeing the person’s behavior.”<sup>627</sup>

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623. See Antony Page, *Batson’s Blind-Spot: Unconscious Stereotyping & the Peremptory Challenge*, 85 B.U. L. REV. 155, 181 (2005).

624. See Jerry Kang *et al.*, *Are Ideal Litigators White? Measuring the Myth of Colorblindness*, 7 J. EMPIRICAL LEGAL STUD. 886, 888 (2010).

625. See Page, *supra* note 623, at 160.

626. CRAIG MCGARTY, *THE CATEGORIZATION PROCESS IN SOCIAL PSYCHOLOGY* 1 (1999).

627. David A. Wilder, *Perceiving Persons as a Group: Categorization and Intergroup Relations*, in *COGNITIVE PROCESSES IN STEREOTYPING AND INTERGROUP BEHAVIOR* 213, 217-18 (David L. Hamilton ed., 1981) (internal citation omitted); see Maria Rosaria Cadinu & Myron Rothbart, *Self-Anchoring and Differentiation Processes in the Minimal Group Setting*, 70 J. PERSONALITY & SOC. PSYCHOL. 661, 661-62 (1996) (describing the process by which an observer confers a positive self-image to an “in-group” but not an “out-group” member). See generally TIMOTHY D. WILSON, *STRANGERS TO OURSELVES: DISCOVERING THE ADAPTIVE UNCONSCIOUS* 53-54 (2002) (explaining how “we often unconsciously bend new information to fit our preconceptions”); Galen V. Bodenhausen, *Stereotypic Biases in Social Decision Making and Memory: Testing Process Models of Stereotype Use*, 55 J. PERSONALITY & SOC. PSYCHOL. 726, 734 (1988) (finding that those who hold stereotypes pay more attention to stereotype-consistent information than stereotype-inconsistent information); Peter H. Ditto & David F. Lopez, *Motivated Skepticism: Use of Differential Decision Criteria for Preferred and Nonpreferred Conclusions*, 63 J. PERSONALITY & SOC. PSYCHOL. 568, 573 (1992) (finding that subjects affirmed preconceived theories when confronted with consistent data more quickly than they rejected them when confronted with inconsistent data); David Dunning & David A. Sherman, *Stereotypes and Tacit Inference*, 73 J. PERSONALITY & SOC. PSYCHOL. 459, 459-61 (1997) (explaining how “stereotypes alter the tacit inferences people make when comprehending descriptions of social behavior”); Susan T. Fiske, *et al.*, *The Continuum Model: Ten Years Later*, in *DUAL-PROCESS THEORIES IN SOCIAL PSYCHOLOGY* 231, 234 (Shelly Chaiken & Yaacov Trope eds., 1999) (“[O]nce perceivers categorize the encountered individual, they automatically tend to feel, think, and behave toward that individual in the same way they tend to feel, think, and behave toward members of that social category more generally.”); David Hamilton, *et al.*, *Stereotype-Based Expectancies: Effects on Information Processing and Social Behavior*, 46 J. SOC. ISSUES 35, 37-39 (1990) (describing the effect that preexisting expectations have on information processing); Angelo J. Kinicki, *et al.*, *Effects of Category Prototypes on Performance-Rating Accuracy*, 80 J. APPLIED PSYCHOL. 354, 364-66 (1995) (explaining the effect that categorical prototypes have on the way that individuals rate the performance of others); Charles G. Lord, *et al.*, *Biased Assimilation and Attitude Polarization: The Effects of Prior Theories on Subsequently Considered Evidence*, 37 J. PERSONALITY & SOC. PSYCHOL. 2098, 2108 (1979) (examining the effects that existing theories have on the interpretation of new data); C. Neil Macrae, *et al.*, *On the Regulation of Recollection: The Intentional Forgetting of Stereotypical Memories*, 72 J.

The best known test of cognitive biases is the Implicit Association Test (“IAT”), which measures reaction times when subjects are asked to sort people from different social groups into categories.<sup>628</sup> The IAT reveals that participants systematically prefer socially privileged groups, including Young over Old and Rich over Poor.<sup>629</sup>

In our society, socioeconomic status, gender, age, and mental-health status are highly salient characteristics, which trigger the unconscious formation and use of stereotypes.<sup>630</sup> Research has demonstrated that individuals assign different significance to identical actions depending on the socioeconomic status of the person exhibiting them.<sup>631</sup> Studies have also documented the related phenomena of “ingroup favoritism” and “outgroup derogation” – the processes of forming negative stereotypes about the lone “one” while forming more positive ones about the rest of the “others.”<sup>632</sup> In a mock jury study conducted shortly after the Manson trial (but unrelated to it), Gleason and Harris found that a defendant’s socioeconomic status was the major determinant of decisions relating to guilt/innocence and sentence.<sup>633</sup> Multiple studies since that time have confirmed significant disparities in the treatment of suspects and defendants based on gender, age,

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PERSONALITY & SOC. PSYCHOL. 709, 711 (1997) (demonstrating how stereotyping increases the rate at which the stereotyper finds confirming stereotypical attributes in the stereotype).

628. See MAHZARIN BANAJI & ANTHONY GREENWALD, *BLINDSPOT: HIDDEN BIASES OF GOOD PEOPLE* (2013).

629. See Mahzarin R. Banaji et al., *How (Un)ethical are You?*, 81 HARV. BUS. REV. 56, 56 (2003) (noting that at least 75% of IAT takers show implicit biases “favoring the young, the rich and whites”); Jerry Kang, *Trojan Horses of Race*, 118 HARV L. REV. 1489, 1514 (2005) (“There is now persuasive evidence that implicit bias against a social category, as measured by instruments such as the IAT, predicts disparate behavior toward individuals mapped to that category.”); Jerry Kang & Kristin Lane, *Seeing Through Colorblindness: Implicit Bias and the Law*, 58 UCLA L. REV. 465, 474 (2011).

630. For example, in one study, subjects watched a videotape of a child taking an academic test. One group of subjects was told the child was from a privileged socioeconomic background; the other was told that the child was from a poor socioeconomic background. The former group rated the child’s performance on the test much higher than the latter. See John M. Darley & Paget H. Gross, *A Hypothesis-Confirming Bias in Labeling Effects*, 44 J. PERSONALITY & SOC. PSYCHOL. 20, 28 (1983).

631. See Darley & Gross, *supra* note 630, at 20.

632. See Nilanjana Dasgupta, *Implicit Ingroup Favoritism, Outgroup Favoritism, and Their Behavioral Manifestations*, 17 SOC. JUST. RES. 143, 146 (2004) (“[A] hundred studies have documented people’s tendency . . . to associate negative characteristics with outgroups more easily than ingroups.”).

633. See James M. Gleason & Victor A. Harris, *Race, Socio-Economic Status, and Perceived Similarity as Determinants of Judgments by Simulated Jurors*, 3 SOC. BEHAV. & PERSONALITY 175 (1975).

class, and mental-health status.<sup>634</sup> For example, Virginia Hiday has documented the disproportionate civil commitment of poor mentally ill offenders in comparison to rich ones.<sup>635</sup>

Manson's class, mental-health status, and to a lesser extent his age and gender, made it easier for the police, prosecutors, jurors, and public to swallow the implausible tale of brainwashing.<sup>636</sup> As Manson put it: "Some people, regardless of how dirty their hands are, have the juice to smother things and appear lily white, while those without juice are made to look dirty if they are only in the vicinity of bad happenings."

## VI. MANSON-INDUSTRIAL COMPLEX

Manson has spent only six years of his adult life out of prison. He is the subject of universal condemnation, an urban legend and cautionary tale. The CDC classifies Manson as "the most infamous of all CDC inmates."<sup>637</sup> *Rolling Stone* dubbed Manson "the most dangerous man alive."<sup>638</sup> Even the group's putative name, the "Manson Family," is media generated. They referred to themselves only as the "family."<sup>639</sup>

During the Tate-LaBianca trial, "TV crews [had] jousting matches with their cameras as they attempted . . . to get close to lawyers, prosecutors, Family members, and the defendants. Reporters flew in from all over the world . . . ."<sup>640</sup> Bugliosi and Stovitz intentionally delayed charging Manson for the Hinman-Shea murders because they did not want to detract from the publicity of the "Tate-LaBianca spectacle."<sup>641</sup> Stovitz's goal was to ride the

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634. See, e.g., Monica Biernat, et al., *Judging and Behaving Towards Members of Stereotyped Groups: A Shifting Standards Perspective*, in INTERGROUP COGNITION AND INTERGROUP BEHAVIOR 151, 164 (Constantine Sedikides, et al., eds., 1998) (finding that equally assertive men and women are judged differently because of gender-stereotype-based standards of evaluation); Barbara Bennett Woodhouse, *Youthful Indiscretions: Culture, Class Status, and the Passage to Adulthood*, 51 DEPAUL L. REV. 743 (2002) (providing examples of how class status affects the reactions of society and the justice system to youthful criminality).

635. See Virginia A. Hiday, *Reformed Commitment Procedures: An Empirical Study in the Courtroom*, 11 LAW & SOC. REV. 651, 657 (1977) (documenting that 68.6% of those found incompetent to stand trial had not finished high school and 77% were unemployed).

636. See DAVID F. BARONE ET AL., SOCIAL COGNITIVE PSYCHOLOGY: HISTORY AND CURRENT DOMAINS 193 (1997) (describing how people will seek to prove that another individual conforms to a predetermined stereotype rather than creating a new schema that can account for the individual's stereotype inconsistency).

637. California Department of Corrections, Classification Chronology of Charles Manson (on file with Author).

638. ROLLING STONE, June 25, 1970, cover.

639. See SANDERS, *supra* note 1, at 331.

640. *Id.* at 363.

641. *Id.* at 405, 413.

high-profile case to early retirement or the bench,<sup>642</sup> a goal that he failed to achieve after he was removed from the case for repeatedly leaking information to the media in violation of a gag order.<sup>643</sup> During trial, Bugliosi would “mercilessly harangue” newspaper editors if they ran stories that he did not like, earning him the nickname “Pope Vincent.”<sup>644</sup>

Books about Manson and his “Family” could fill a library. After Manson’s conviction, Watkins toured with Bugliosi to promote *Helter Skelter* on talk shows.<sup>645</sup> It has sold more than six million copies.<sup>646</sup> Bugliosi went on to run, albeit unsuccessfully, for L.A. D.A. and California AG.<sup>647</sup> Watkins, Watson, and Atkins published books of their experiences.<sup>648</sup> Atkins used the proceeds from her book, *The Killing of Sharon Tate*, to fund her defense.<sup>649</sup>

Since the trial, people have come out of the woodwork to claim that they were “Mansonites” and witnessed outlandish happenings, including human and animal sacrifices, as late as summer 1970 (after Manson and his codefendants had been arrested).<sup>650</sup> Others claimed that the bodies of victims of ritualistic killings are buried behind Barker Ranch.<sup>651</sup> When Manson engaged in strange hand “gyrations” during an interview with Geraldo Rivera in 1988, “[c]ult experts speculated that Manson was using satanic hand-jive in order to communicate with” devil worshippers “on the outside, calling for Mr. Rivera’s demise.”<sup>652</sup> Unsurprisingly, no evidence to support these claims has ever surfaced.<sup>653</sup>

Manson continues to be a beacon in prison for people who recognize him “as a leader and a guru with mystical powers.”<sup>654</sup> They flood him with letters, visit him, fall in love with him, seek his advice, and try to “follow” him,<sup>655</sup> wanting a part of what a former inmate incarcerated with him calls

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642. See SANDERS, *supra* note 1, at 413.

643. See *id.* at 416; Aaron Stovitz, *First Manson Prosecutor, Dies at 85*, N.Y. TIMES, Feb. 5, 2010, at A17. Stovitz was replaced by Kay. See DAVIS & LEBLANC, *supra* note 2, at 10.

644. DAVIS & LEBLANC, *supra* note 2, at 197.

645. WATKINS, *supra* note 8, at 275.

646. See SANDERS, *supra* note 1, at 525.

647. See *id.* at 481.

648. See ATKINS, *supra* note 5; WATKINS, *supra* note 8; WATSON, *supra* note 5.

649. See SANDERS, *supra* note 1, at 397.

650. *Id.* at 165-69, 464-65, 468.

651. See *id.* at 277.

652. *Id.* at 505.

653. See *id.* at 169.

654. EMMONS, *supra* note 2, at 6.

655. California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (March 11, 2014) (on file with Author).

“the myth that has grown up around him.”<sup>656</sup> One letter in Manson’s CDC file reads: “Dear Charles, We continue to learn, and to draw strength from you, every day. November 11 [Manson’s birthday], has become the most solemn day in my year.” People regularly write to him offering their unsolicited willingness to kill for him.<sup>657</sup> When Manson has parole hearings, supporters “march outside chanting for his release.”<sup>658</sup> They sell “Free Manson” t-shirts on the Internet.<sup>659</sup> Dr. Phil recently contacted Manson seeking an interview.<sup>660</sup>

Manson’s cultural references are simply too lengthy to list. But he is also a figment of public imagination. Manson complained to a psychiatrist that the picture that the media have painted of him “was the product of their imagination, what they want him to be but was not really him.”<sup>661</sup> One psychiatrist described him as “a public idol with the media using him as a butt for their morbid appetites.”<sup>662</sup> Manson claims that prosecutors and the media created and “keep feeding the myth.”<sup>663</sup> As he explained:

If writers and other media people had stuck to the facts as disclosed by investigating law officers from the beginning, Charles Manson would not have been remembered. But with each writer, each book, or each television personality exaggerating, fabricating, reaching for sensationalism and adding hostilities of their own, myself and those who lived with me became more than what we were. Or had ever intended to be.<sup>664</sup>

## VII.

It is hard to have, much less express publicly, anything approximating sympathy for Manson. The whole Manson industry is built upon his being the Devil. The problem is one of image. Of course, no sane person would have or express sympathy for the psychopathic mastermind of those brutal

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656. EMMONS, *supra* note 2, at 6.

657. *See id.* at 16.

658. DAVIS & LEBLANC, *supra* note 2, at 28 (quoting Kay).

659. *See id.* at 29.

660. California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (April 25, 2011) (on file with Author); California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (Jan. 31, 2011) (on file with Author).

661. California Department of Corrections, Outpatient Medical Record of Charles Manson (July 8, 1982) (on file with Author).

662. California Department of Corrections, Medical History of Charles Manson (Oct. 11, 1978) (on file with Author).

663. EMMONS, *supra* note 2, at 16.

664. *Id.* at 26.

murders. But remove the name (Manson) from the sentence and it is easier to imagine: I have doubts about the guilt of a socioeconomically deprived, mentally ill, octogenarian prison inmate who has spent the bulk of his adult life not only incarcerated but in solitary confinement for crimes for which he was convicted almost exclusively on the basis of the testimony of better-educated, more affluent, and sophisticated accomplices, given in exchange for immunity, some of whom later recanted their accusations. If you did not know that I was talking about Manson, you might agree.

The murders did take place in a different time, not just because of its naïve confidence in safety, privilege, and “good families,” but also because of the depth of its ignorance about mental illness. There is ample evidence that Manson shared his delusional and apocalyptic beliefs with the group. Paranoid schizophrenics often do. But that is a far cry from being a cult leader directing the actions of brainwashed followers. The more plausible explanation is that Manson was an empty screen onto which young hippies looking to rebel projected their group fantasies. Convicting Manson for his complicity in their murders was equivalent to convicting David Berkowitz’s neighbor’s dog for facilitating his – after granting Berkowitz immunity for his testimony.

Manson is an old man. His prison records describe him as “frail” and “elderly.”<sup>665</sup> He requires a bottom bunk and cannot climb stairs or lift more than ten pounds.<sup>666</sup> He needs glasses and walks with a cane, sometimes needs a wheelchair.<sup>667</sup> He is going deaf.<sup>668</sup> He has recently been diagnosed with “incipient senile dementia” in addition to his longstanding diagnosis of schizophrenia.<sup>669</sup> He suffers from hypertension, high cholesterol, hypothyroidism, and COPD, none of which he treats.<sup>670</sup> He refuses

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665. California Department of Corrections, Mental Health Treatment Plan of Charles Manson at 3 (Sept. 13, 2011) (on file with Author).

666. California Department of Corrections, Interdisciplinary Progress Notes of Charles Manson (March 17, 2014) (on file with Author); California Department of Corrections, Interdisciplinary Progress Notes (March 6, 2014) (on file with Author).

667. California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (March 17, 2014) (on file with Author); California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (March 6, 2014) (on file with Author); California Department of Corrections, Mental Health Treatment Plan of Charles Manson (June 26, 2008) (on file with Author).

668. *See, e.g.*, California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson (March 17, 2014) (on file with Author).

669. California Department of Corrections, Mental Health Treatment on Charles Manson at 1, 3 (March 20, 2014) (on file with Author).

670. California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson, SCAN (Feb. 13, 2014) (on file with Author); California Department of Corrections, Interdisciplinary Progress Notes on Charles Manson, SCAN (Jan. 16, 2014) (on file with Author);

vaccinations and colonoscopies. It is likely that he will die in prison and soon, after almost an entire lifetime behind bars. It is also likely that he will die an innocent man, wrongfully convicted of some of the most horrific crimes in American history.



