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The President of the United States
H E Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500
USA

BY FAX: [redacted]

21 February 2011

Dear President Obama

RE: CHARLES MILLES MANSON

Please accept this as an application under Article II, Section 2 of the United States Constitution which states that the President *"shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment."* The Supreme Court of the United States has interpreted this language to include the power to grant pardons, conditional pardons, commutations of sentence, conditional commutations of sentence, remissions of fines and forfeitures, respites and amnesties.

This application on behalf of the above is a request for commutation of sentence.

The Applicant was charged with seven counts of murder and once of conspiracy. The Applicant was convicted on January 25, 1971.

On 29 March 1971 the jury at the Applicant's trial returned verdicts of death against the Applicant. On 19 April 1971 the trial judge, His Honour Older, imposed the sentence of death.

In February 1972, pursuant to the case of *California v. Anderson, 493 P.2d 880, 6 Cal. 3d 628,* the California Supreme Court abolished the death penalty and as a consequence the death sentence of the Applicant was automatically reduced to life in prison.

On 29 June 1972, US Supreme Court issued its decision in Furman v. Georgia, holding all capital punishment statutes then in effect in the United States to be unconstitutional.

On 2 June 1976 the US Supreme Court *in Gregg v. Georgia*, reviewing capital punishment laws enacted in response to its Furman decision, found constitutional those statutes that

allowed a jury to impose the death penalty after consideration of both aggravating and mitigating circumstances.

On 20 November 1970, outside the presence of the jury, the Applicant made the following statement to the court:

> *"I have killed no one and I have ordered no one to be killed. I may have implied on several different occasions to several different people that I may have been Jesus Christ, but I haven't decided yet what I am or who I am. So be it. Guilty. Not guilty. They are only words. You can do anything you want with me, but you cannot touch me because I am only my love. . . If you put me in the penitentiary, that means nothing because you kicked me out of the last one. I didn't ask to get released. I liked it in there because I like myself."*

It is important to note the phrase *"I have killed no one and I have ordered no one to be killed."*

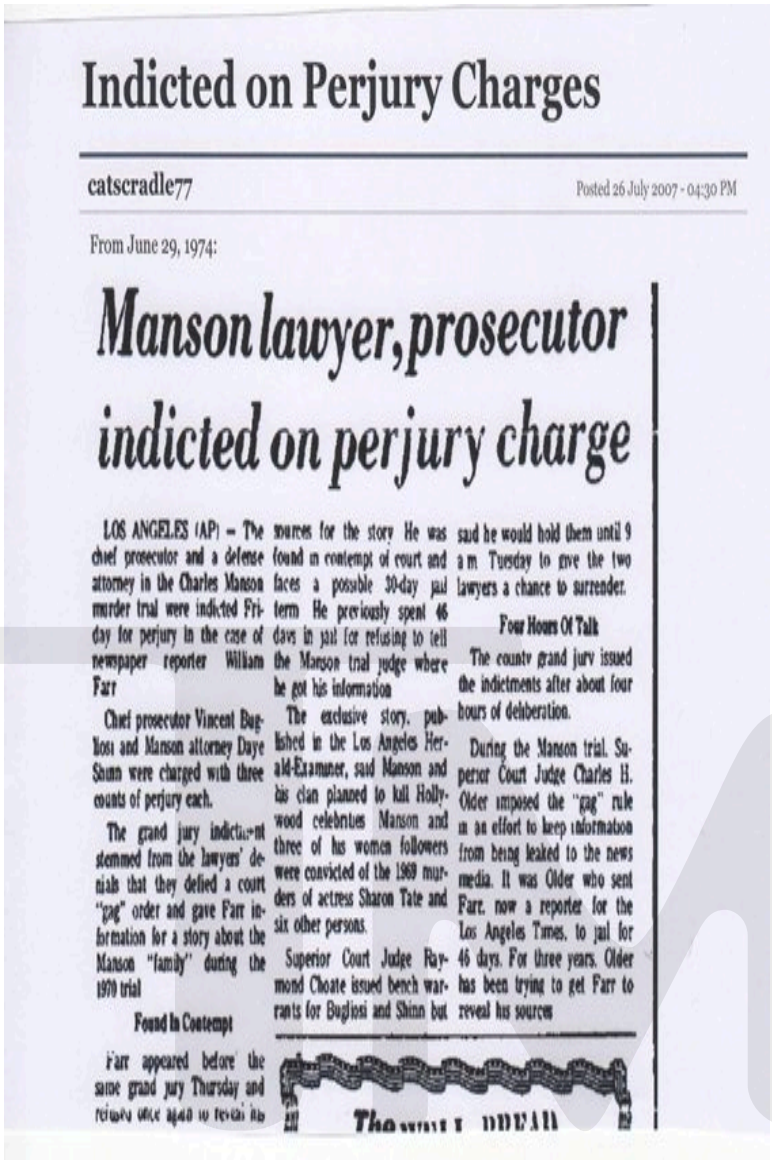
Further, the Applicant made the following statement to the court:

> *"I don't recall ever saying "Get a knife and a change of clothes and go do what Tex says." Or I don't recall saying "Get a knife and go kill the sheriff." In fact, it makes me mad when someone kills snakes or dogs or cats or horses. I don't even like to eat meat - that is how much I am against killing. . . ."*

On 5 October 1970, the Applicant was denied permission to question a prosecution witness who the so-called defence attorneys had declined to cross-examine.

On 4 August 1970 the Applicant produced a copy of the Los Angeles Times front page where the headline stated "MANSON GUILTY, NIXON DECLARES". This was a reference to a statement that had been made on 3 August 1970, when the then US President Richard Nixon had decried what he saw as the media's glamorisation of the Applicant. On a voir dire by the trial judge the jurors contended that the said headline had not influenced them. However on 5 August 1970, the co-defendants had made an application that in light of the US President's remark which had been heard by the jury must have influenced the jury notwithstanding the questioning of the trial judge. The Judge refused the said application for a new trial.

With some regret one cannot but mention the bona fides of the prosecutor. This is manifested specifically in the fact that the chief prosecutor only three years after the conviction was himself indicted on perjury charges relating to event that occurred at the Applicant's trial.



Indicted on Perjury Charges

catscradle77 Posted 26 July 2007 - 04:30 PM

From June 29, 1974:

Manson lawyer, prosecutor indicted on perjury charge

LOS ANGELES (AP) – The chief prosecutor and a defense attorney in the Charles Manson murder trial were indicted Friday for perjury in the case of newspaper reporter William Farr

Chief prosecutor Vincent Bugliosi and Manson attorney Daye Shinn were charged with three counts of perjury each.

The grand jury indictment stemmed from the lawyers' denials that they defied a court "gag" order and gave Farr information for a story about the Manson "family" during the 1970 trial

Found In Contempt

Farr appeared before the same grand jury Thursday and refused once again to reveal his sources for the story He was found in contempt of court and faces a possible 30-day jail term He previously spent 46 days in jail for refusing to tell the Manson trial judge where he got his information

The exclusive story, published in the Los Angeles Herald-Examiner, said Manson and his clan planned to kill Hollywood celebrities Manson and three of his women followers were convicted of the 1969 murders of actress Sharon Tate and six other persons.

Superior Court Judge Raymond Choate issued bench warrants for Bugliosi and Shinn but said he would hold them until 9 a.m. Tuesday to give the two lawyers a chance to surrender.

Four Hours Of Talk

The county grand jury issued the indictments after about four hours of deliberation.

During the Manson trial, Superior Court Judge Charles H. Older imposed the "gag" rule in an effort to keep information from being leaked to the news media. It was Older who sent Farr, now a reporter for the Los Angeles Times, to jail for 46 days. For three years, Older has been trying to get Farr to reveal his sources

You will no doubt also be aware of the arrest of the Prosecutor days after the conclusion of the trial on allegations of assault and battery of a young woman whom it is alleged, according to the record, had refused to undergo a medical intervention as a result of a liaison between the Prosecutor and the said woman which ultimately was resolved by the Prosecutor paying some $5,000 not to pursue the charges.

The above is only of relevance in order that the bona fides of the Prosecutor at trial may have acted. You will be aware of course that the only evidence against the Applicant was a Prosecution witness who was granted absolute immunity by the Prosecutor on the basis and understanding that she, the witness immune from prosecution, had not participated in any of the killings. It would appear from a thorough review of the evidence that the said witness did indeed participate in the murders actively and evidence to suggest the Prosecutor was aware of such but in his quest for a conviction took the decision to overlook the most important fact.

Transcript Indicates Bugliosi Lied in Manson Case, Foe Says

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William Norris, a Democratic candidate for attorney general, Tuesday released a transcript of sworn testimony which he said "casts the gravest suspicions" that his primary opponent, Vincent Bugliosi, lied to the Manson trial judge when he denied leaking information to newsman William Farr.

At a news conference at the Los Angeles Hilton here, Norris said he is asking the California State Bar to investigate whether Bugliosi violated a court order by leaking the material and then committed perjury by denying he had done so.

"If he did, Vincent Bugliosi should be disqualified from practicing law, much less be a candidate for attorney general," Norris declared.

A short time later, Bugliosi issued a statement denying again that he had leaked to Farr the material to which Norris referred.

Norris had said he was basing his call for a State Bar hearing on an April 15 deposition given by Dep. Dist. Atty. Stephen R. Kay in connection with a lawsuit by two other Manson trial attorneys.

Norris said he was not accusing Bugliosi of anything himself, that he was relying on the material in the deposition as a basis for calling for a public inquiry into the matter. He also called on incumbent GOP Atty. Gen. Evelle Younger to turn over material he has collected on the matter to the Bar.

Kay, Bugliosi's assistant in prosecuting the 1970 trial of Charles Manson and three women followers, said in the deposition that he saw Farr with Bugliosi at the time Kay had delivered to the prosecutor co-

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This aspect of the bona fides of the Prosecutor is relevant in so far as to validate the consideration in whether it is just to remit the sentence of the Applicant. If the Applicant has not received a fair trial on various grounds then after so many years it not only is an obligation for the executive to remedy the wrong but a duty. It is wholly correct to say that under normal circumstances pardons have been used more often for the sake of political expediency than to correct judicial error but in this case one can but only wonder whether both are fully applicable.

It is conceded that the Applicant was not present and the evidence as opposed to conjecture is as per the evidence given by the Applicant as above, namely that he killed no one, he ordered no one to be killed, and he ordered no one to use a knife anywhere. That evidence per say should have been heard by the jury to sustain first degree murder convictions.

California Penal Code section 187 defines murder as "*the unlawful killing of a human being, or a foetus, with malice aforethought."* The phrase "malice aforethought" is a term of art, which connotes a number of different *mentes reae* that render a homicide particularly heinous, thus constituting murder.

There was in this case clearly no evidence that the Applicant participated in any of the murders, in fact it was conceded that he was not. Thus the real allegation was that the Applicant was an inspiratory to murder committed by his co-defendants but upon appropriate analysis even that is hard to sustain.

It is hard even to sustain the theory that this Applicant could fall under the California Penal Code 189 affirming the first-degree felony-murder rule that eliminates the showing of purpose to kill or premeditation—ordinary elements of first-degree murder. The felony-murder rule holds a defendant strictly liable for a killing caused by the defendant during the commission of a section 189 felony, regardless of whether the killing was intentional or accidental. The only criminal intent required under this rule is the specific intent to commit the predicate or underlying felony. Even that cannot be sustained because all that the Applicant told his co-defendants was to *"do something witchy"* which is a far cry to instigating or even predicting murder.

In order to raise the first-degree felony-murder theory, the defendant must have committed one of the enumerated felonies under section 189. As in any felony, the jury must find all the elements of that independent felony proven beyond a reasonable doubt which in this case could not have been the case since it was a concession from the Prosecution that he was not present at the scene of the crime and the admissible evidence showed in the voire dire that the Applicant neither killed anyone or ordered anyone killed. (See Coefield, 37 Cal. 2d at 870, 236 P.2d at 573)

The Prosecution alleged a joint enterprise and as such the Applicant was equally guilty of murder. The California courts have been inconclusive about the scope of complicity required to impose liability. This has resulted in two conflicting formulations of the scope of the felony-murder rule when applied to killings committed by co-felons. One line of cases—sometimes referred to as the *Vasquez* approach—takes the view that the killing by a co-felon must be "*in furtherance of the common purpose."* This is consistent with language from the California Supreme Court's earlier cases, such as *Vasquez* and *Olsen*. However, the other line of cases takes a broader view, simply requiring the killer and the accomplice to be jointly engaged in a felony at the time of the killing. In this case neither apply and it is also established case law that in any sentencing exercise if a co-defendant convicted of murder who was in fact per se not at the scene of the crime serves no longer than nineteen years.

Leaving quite aside the question of sentence the trial of the Applicant was anything but fair with a number of serious Constitutional violations.

On December 17, 1969 the Applicant made a formal request to represent himself in the courtroom of Judge William Keene. *"Your Honor, there is no way I can give up my voice in this matter. If I can't speak, then our whole thing is done. If I can't speak in my own defense and converse freely in this courtroom, then it ties my hands behind my back, and if I have no voice, then there is no sense in having a defense. Lawyers play with people, and I am a person and I don't want to be played with in this matter. The news media has already executed and buried me.... If anyone is hypnotized, the people are being hypnotized by the lies being told them.... There is no attorney in the world who can represent me as a person. I have to do it myself."*

The Applicant was examined by Joseph Ball, a former president of the California State Bar Association. Ball's assessment presented in court on 24th December 1969, who reported that the Applicant was *"an able, intelligent young man, quiet-spoken and mild-mannered. We went over different problems of law, and I found he had a ready understanding.... Remarkable understanding. As a matter of fact, he has a very fine brain. I complimented him on the fact. I think I told you that he had a high I.Q. Must have, to be able to converse as he did. And he feels that if he goes to trial and he is able to permit jurors and the Court to hear him and see him, they will realize he is not the kind of man who would perpetrate horrible crimes."*

Judge Keene ruled. *"It is, in this Court's opinion, a sad and tragic mistake you are making by taking this course of action, but I can't talk you out of it.... Mr. Manson, you are your own lawyer."*

This situation existed until March 6, 1970. At that time Judge Keene, upset over some supposedly *"outlandish"* and *"nonsensical"* motions filed by the Applicant, vacated the status

as his own attorney. Why, of course, the *"outlandish and nonsensical"* motions were not simply overruled was not explained. Whatever the real reason, Judge Keene's action violated the constitutional right to defend himself .Any defense presented after that ruling (and in fact there was none) was invalid, and in direct opposition to the Sixth Amendment right to self-representation.

This issue was raised on Appeal. In that appeal the California Justices denied a request for a new trial claiming that a federal ruling which affirmed the Sixth Amendment right did not apply to the Applicant because the decision came after his trial and *"was not to be given retroactive application"* an interpretation of the law was later overruled in *Bittaker v. Enomoto, 587 F.2d 400 (1978)* wherein a United States Federal Appeals Court ruled *"Although California defendant's trial occurred prior to United States Supreme Court's Faretta decision confirming to state defendants the constitutional right to self-representation, denial of the California defendant's right of self-representation was a federal constitutional defect requiring setting aside of his conviction"*. The Applicant is specifically mentioned in footnote # 2 of this decision. *"2. The state mentions several times that one of its prisoners who may benefit from the Faretta decision is Charles Manson. We do not encourage this type of advocacy. A federal court must make its decisions in accord with the Constitution and the laws, without regard to the notoriety of parties or non-parties."*

The right to self-representation is as fundamental and undeniable as any other right. It is every citizen's constitutional right. Colin Ferguson, the seemingly 'deranged' Long Island Railroad gunman, was allowed to defend himself at his trial. It doesn't matter if the defendant's defense may be unconventional. Self-representation is a constitutional right and the Applicant was denied such.

The Applicant has been a cult figure in the past forty two years and synonymous with all that is supposed to be evil:- at face value. Yet delving closer into the case and appraising the matter objectively this Applicant did not receive a fair trial, should have been retried at worst way back in 1978 but instead has been used by the US Criminal Justice System as an example and fear factor to other potential cult leaders in all probabilities without just cause. The law has been interpreted as opposed to applied and the bona fides of the Prosecutor seriously to be considered.

The Applicant is now 76 years of age and has served 43 years on what at worst should have been no more than nineteen even if one could sustain that he had received a fair trial. On the basis of the above as stated where the judiciary cannot, will not or simply fail to rectify a wrong it is for the Executive no matter how notorious the Applicant to apply the powers vested by the Constitution.

President Gerald Ford applied the pardon to former President Richard Nixon on September 8, 1974, for official misconduct which gave rise to the Watergate scandal. Andrew Johnson pardoned thousands of former Confederate officials and military personnel after the American Civil War. Jimmy Carter granted amnesty to Vietnam-era draft dodgers. George H. W. Bush's pardoned 75 people, including six Reagan administration officials accused and/or convicted in connection with the Iran-Contra affair. William Clinton commuted sentences for 16 members of FALN in 1999 and of 140 people on his last day in office, including billionaire fugitive Marc Rich. Most recently, George W. Bush's commuted the prison term of I. Lewis "Scooter" Libby.

This application is for remission of sentence of the above for the reasons outlined. We are of course it requires courage and even audacity and may not be popular because the media

have painted the Applicant in a manner that is frankly, not consistent with the evidence. In order for Democracy to work the Criminal Justice System must work and the application of executive intervention is often required. We ask that it is applied to this applicant.

We take this opportunity at thanking you for your kind consideration and request the relief requested as soon as possible bearing in mind the time this Applicant has spent in custody and the strong desire that justice cannot permit this Applicant to spend his days in custody any longer for the reasons stated.

Yours faithfully

Giovanni Di Stefano
STUDIO LEGALE INTERNAZIONALE