

16-4 1 MR. WEEDMAN: Your Honor, I would respectfully request
2 that Mr. Bickston remain on call as a defense witness in this
3 case.

4 THE COURT: Yes. In other words, so he can hear me, you
5 may want to call him?

6 Is that correct?

7 MR. WEEDMAN: Yes, your Honor.

8 THE COURT: You understand the defense counsel may want
9 to call you, and therefore I am placing you on call.

10 You can go to your home, and you can go about your
11 business, but until we finish the case you are on call.

12 THE WITNESS: Yes, sir.

13 THE COURT: If the clerk has to get you or counsel has
14 to get you, you are actually under orders of court.

15 Please feel you are on call to return if we have
16 to have you.

17 THE WITNESS: Yes, sir.

18 MR. WEEDMAN: Thank you, your Honor.

19 THE COURT: Thank you very much.

20 MR. KATZ: Thank you, your Honor.

21 The People wish to call Jerry Binder.

22 THE COURT: First we will have to swear you. The clerk
23 will swear you. Raise your right hand, please.

24
25 JERRY BINDER,
26 called as a witness by the People, testified as follows:

27 THE CLERK: You do solemnly swear that the testimony you
28 give in the cause now pending before this court shall be the

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truth, the whole truth and nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Thank you, sir. Will you take the stand and be seated, and state your name for the record.

THE WITNESS: Jerry Binder.

THE CLERK: Spell your last name, please.

THE WITNESS: B-i-n-d-e-r.

THE COURT: You are doing it. Talk right to the telephone the way you are.

DIRECT EXAMINATION

BY MR. KATZ:

Q Mr. Binder, are you the former husband of Marian Binder?

A Yes.

Q It is fair to say you are separated?
Is that correct?

A That is correct.

Q Did you know a person by the name of Donald Jerome Shea?

A Yes, sir. I did.

Q When did you first meet Donald Jerome Shea?

A Approximately five and a half years ago.

Q Well, let's not use that as a frame of reference.

A 1965.

Q Were you married at that time?

A Yes, I was.

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Q To whom?

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A Marian Binder.

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Q Were you in business at that time in 1965?

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A Yes, I was.

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1 Q What was your business?

2 A Carnivals, circuses, wild animal training.

3 Q Did you ascribe a name to that business?

4 A Frontier Circus was the name of it.

5 Q Was it sometimes referred to as Circus and Carnivals?

6 A Yes.

7 Q Did you have a partner in that business?

8 A Yes, Mr. Scott Larkin.

9 Q Would you tell us the nature of this business,
10 this carnival business?

11 A Well, we booked acts and shows into different
12 shopping centers.

13 We played fields and so forth. We exhibited wild
14 animals at different fairs. Did wild animal acts. It was a
15 complete circus.

16 We booked different carnival rides in with us.

17 Q Now, in connection with that particular business,
18 did you also provide animals for movies and other productions?

19 A Yes, we did.

20 Q How did that work?

21 A Well, we imported animals and sold our surplus
22 animals and kept the ones that were good and trained them and
23 used them in different movie jobs.

24 Well, chimps and elephants, lions, tigers, anything
25 that the movie industry called for.

26 Q Well, what kind of animals did you, in fact, have
27 in your show, what did you import for specific purposes?

28 A We had an elephant, we had several lions, we had

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1 half a dozen chimps, all types of leopards, small monkeys, a
2 complete variety -- menagerie of wild animals.

3 Q Incidentally, before 1965 in some way had you been
4 associated with the movie studios, such as Desilu?

5 A Yes. I had the commissaries at the Desilu Studios,
6 both at Cahuenga and Gower Street, the old RKO.

7 Q That was a concession, was it?

8 A Yes.

9 Q All right. Going back to this carnival business,
10 did you meet Shorty Shea in connection with that around 1965?

11 A Scott Larkin and I had just broken up our partner-
12 ship, and I went back to see Scott on a business matter, and
13 Shorty was working for Scott Larkin at the time tending the
14 elephant, Susie.

15 It was about a three-year-old elephant.

16 Q Thereafter did you become good friends with Shorty?

17 A Yes. I hired Shorty right after that to do some
18 odd jobs for me.

19 Q What were the nature of the jobs, Mr. Binder?

20 A Well, some of them were where we were supplying
21 some animals for different TV series.

22 He helped me handle quite a few of the different
23 animals.

24 Lots of times where it was a big cat or something
25 like that, and I needed another handler. If we had to do a
26 stunt job of wrestling a lion or a tiger or something like that,
27 I always had a backup man, and Shea was an idea man for it
28 because of his strength and his dependability.

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Q What was the nature of Shorty's job at that time?

A Taking care of the animals and backing me up as the second man.

There was one case where we did a show on Wild, Wild West at the CBS Studios, and there was a tiger that we had to do a bit with that had to lunge at the star of the show, and he got past me and Shorty stopped him before he got to me with a pole.

You always have to have somebody there you can really depend on. Otherwise, you can really get hurt if you are handling anything as dangerous as that.

Q In connection with that function, did you depend on Shorty quite a bit?

A With my life.

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1 Q And as a result of that kind of work in which you
2 were engaged and in which Mr. Shea was engaged, did you become
3 close with Mr. Shea?

4 A Very close. The man spent quite a bit of time at
5 my home. We always discuss our work the next day. There was
6 a great deal of -- oh, I don't know how to phrase it. A
7 closeness between us as two men who worked together on a
8 dangerous job.

9 Q He started working for you after he left Scott
10 Larkin in 1965, is that correct?

11 A Right.

12 Q How long did you have this particular business in
13 which you provided animals for performances in movies and
14 television series and what not?

15 A A couple of years.

16 Q All right.

17 So that would be through 1967?

18 A About 1967.

19 Q Now, did Shorty work with you in that period of
20 time?

21 A Pretty consistently.

22 Q All right.

23 Now, was there any time in '65 when Shorty went
24 back to see his mother that year?

25 A Yeah. He went back, and there was a couple of
26 times when he went back. Once when he broke his leg when he
27 was doing a TV series, a stunt job. He broke his leg on that,
28 and he went back and stayed with his mother.

2
1 I believe it was around three months, back to
2 Boston.

3 Q During that period of time did you still hear from
4 Shorty?

5 A He called me every two or three weeks. The longest
6 period he went was four weeks, without calling me.

7 Q Over how long a period of time?

8 A Over the last five years, from '65 to '68.

9 Q You say '68. Did you hear from him in '69?

10 A Yeah, he was with me at that time.

11 Q All right.

12 But let me ask you this: Between the dates that
13 you first met him in 1965 and 1969, say, using the date just
14 after he was married July 1, 1969, how often would you gener-
15 ally see him?

16 We are just talking about generally see him.

17 A Generally it was every day unless he was working
18 in and out on a job somewhere, and then he would get in touch
19 with me, at least once a week, to find out what was happening,
20 if we had anything else coming up.

21 Q During that period of time between 1965 and 1969
22 what was the longest period that lapsed when you did not hear
23 from him?

24 A Approximately 30 days.

25 Q All right.

26 Now, sometime after -- strike that.

27 You said that Shorty stayed at your house, did he?

28 A Quite often, yes.

3

1 Q All right.

2 Q Now, in 1965 where were you living?

3 A At that time we were living on Sepulveda. I had
4 a large home with a lot of acreage in the back and had a lot
5 of animals there.

6 Q That is when Shorty first came to work for me.

7 Q You stated at that time you were married. Did you
8 have any children at that time?

9 A Three.

10 Q What were their names?

11 A Michelle, Adrian and Sherry Louise.

12 Q Did Shorty ever stay over at your house?

13 A Often.

14 Q Was Shorty kind of a welcome part of the family?

15 A Like a Godfather to the kids. They were crazy
16 about him. He spent a lot of time talking to them and playing
17 with them. The baby was particularly fond of him.

18 Q What was the baby's name?

19 A Sherry Louise.

20 Q How did Shorty get along with your wife Marian?

21 A Very well. Very well.

22 Q He would do a lot of little things around the house
23 for her. Things I was always too lazy to do, like putting out
24 the trash and things.

25 Q Did you move to some other location on Hollywood
26 Boulevard?

27 A Yeah, we moved to 8010 Hollywood Boulevard.

28 Q When was this?

1 A Oh, approximately '67.

2 Q How long did you live at Hollywood Boulevard?

3 A About two and a half years.

4 Q Did Shorty ever come over and visit you there?

5 A He lived at our house for weeks at a time.

6 Q Was he welcome there at all times?

7 A All the time.

8 Q Did you make that clear to him?

9 A Quite. We had a four-bedroom house. So there was

10 always room for him.

11 Q Is that the place at 8010 Hollywood Boulevard?

12 A Right.

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1 Q Did you engage in another business after this
2 carnival business?

3 A Yeah, I went into the mail order business at that
4 time.

5 Q Did you have a partner at that time?

6 A Yeah, partner I had was Mr. Herb Bromberg.

7 Q Incidentally, did you introduce Mr. Herb Bromberg
8 to Mr. Shea?

9 A Oh, definitely.

10 Q And did you introduce Mr. Bromberg to Mr. Shea for
11 a specific purpose?

12 A One of the times that I brought him to his office
13 was to see if he could get him a job because I didn't have
14 enough work for him to do.

15 Q And at your behest did Mr. Bromberg hire Mr. Shea?

16 A He had him first as a handyman, then he put him
17 up as the manager in some of the different bars and clubs that
18 he owned.

19 Q He owned these clubs all over the city and county,
20 is that correct?

21 A All over the county, yes.

22 Q You said you had this mail order business with
23 Mr. Bromberg, was it?

24 A Yes.

25 Q All right.

26 And how long did you have that mail order business?

27 A That lasted approximately a year.

28 Q All right.

1 And when did you have that business?

2 A Around in 1967.

3 Q Did Shorty ever help you in connection with that
4 business?

5 A Yeah, he handled the mail room where we mailed out
6 brochures, plus wrapped packages, went to the post office,
7 filled the stamp machine. Just general, all-round helper.

8 Q What is the nature of that business?

9 A We handled all types of books, mostly. Ninety
10 percent of our things, and the rest were novelties.

11 Q Would these be what are regarded as adult novelties?

12 A Adult novelties, yes, sir.

13 Q Did you enter into another business following that
14 mail order business?

15 A Through the growth of the mail order business we
16 opened up into a retail store. Some of the very same people
17 who ordered from the mail order business were coming up into
18 the office. So we opened up a retail store because of it.

19 Q What was the name of the retail store?

20 A Name of that one was called the Hollywood Shopper.

21 Q Approximately when was it that you began that
22 business?

23 A That was still in '67. Beginning of '68.

24 Q All right.

25 Now, did Shorty help you in that business?

26 A He helped build the shelves, lay out the -- lay
27 the carpets. Helped stock the shelves, and he waited on
28 customers, also.

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Q All right.

And what other capacity, if any, did he have at the Hollywood Shopper?

A That was basically it. Just general all-round helper. Whatever there was to do, Shorty would do it.

He never questioned as "that is not my job" whether it was mopping the floor or waiting on a customer or anything else.

Q What kind of an employee would you characterize Shorty as having been?

A The kind you spend your life looking for. A man who would give you a day's work for a day's pay.

Q During the period of time you knew him did he ever talk about the movies?

A Constantly.

Q What did he say about the movies?

A Well, he kept looking for that big break. What he wanted was to be seen and get credits so he could get his big break, as a character actor.

He knew he couldn't be a leading man, but he knew he could be a good character actor.

Q Did you ever discuss with him why he did these other menial jobs?

A Like anybody else in Hollywood, you do a lot of dirty things in order to stay near the business. You just stay as close to the movie industry as you can, waiting for the opportunity to come along.

The next part may be the one you are looking for.

1 MR. WEEDMAN: I will move to strike all of that as a
2 conclusion on the part of this witness, your Honor. No
3 applicability. Furthermore, --

4 THE COURT: Your objection is related to the last
5 question and answer, is that right?

6 MR. WEEDMAN: Yes, it is, your Honor.

7 MR. KATZ: I asked what Shorty said. I will withdraw
8 and reframe it.

9 THE COURT: Just a minute. Back up and read the question
10 and answer, if you will.

11 MR. WEEDMAN: Your Honor, I will withdraw any objection
12 at this time, to obviate the necessity of reading it all over
13 again.

14 But I would request that counsel lay a foundation
15 for any future questions as to this gentleman's opinion as to
16 why Mr. Shea was doing jobs other than working in the movies.

17 THE COURT: Well, all right.

18 Set a foundation in there.

19 MR. KATZ: Yes. I appreciate it.

20 THE COURT: Go ahead with your question.

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1 Q BY MR. KATZ: Now, you told us that Shorty had
2 discussed with you this movie business continually, is that
3 right?

4 A Correct.

5 Q What did he say about the movie business and his
6 roles, if any?

7 A The sitting around rap sessions at night in the
8 house we talked about how this one got a break, just from one
9 little part, and he was able to become successful and famous.

10 He kept looking for a part he was going to be
11 doing a speaking part. But he knew somebody else in the
12 business, this guy was going to give him a break and do a
13 speaking part, and so forth. It was a constant thing, not
14 just one particular sentence. It was a constant thing over the
15 years of his talking about the movie industry.

16 Q All right.

17 Now, in regards to making his big break in the
18 movie industry, did you ever discuss with him -- now, I don't
19 want a conclusion -- did you ever discuss with him his taking
20 other menial jobs to support himself during that period?

21 A We discussed that several times. That a man has
22 a responsibility and he has --

23 THE COURT: Wait a minute. You answered it.

24 Wait till the next question.

25 Q BY MR. KATZ: Yes. What did he say to you in this
26 regard?

27 A We talked about what a man does to support his
28 family and support himself. To keep going for a bigger goal.

1 I have been in several different businesses, a
2 lot of different businesses. I have had a very varied career.
3 I washed dishes myself --

4 MR. WEEDMAN: Excuse me --

5 MR. KATZ: I agree.

6 THE COURT: All right.

7 Q BY MR. KATZ: All right.

8 Mr. Binder, let me ask you this now. In all the
9 time that you knew Shorty, that is, in 1965 through 1969, at
10 least to July of 1969, did Shorty always appear to make an
11 effort to get a job?

12 A Always.

13 Q All right.

14 Now, did you move to Las Vegas sometime in 1969
15 or did you open a business in Las Vegas?

16 A I opened a business there, yes.

17 Q At that time were you still residing at 8010 Holly-
18 wood Boulevard?

19 A Yes.

20 Q What business or businesses did you open in Las
21 Vegas in 1969?

22 A I opened up several retail adult bookstores and
23 novelty stores.

24 Q What were their names?

25 A The Swingers Boutique was one. The other two were
26 The House of Paperbacks and Book City.

27 Q Now, with respect to this Swingers Boutique, did
28 this have what might be generally regarded as erotic literature

and such?

A Part of it, yes.

Q What else did you sell at the Swingers Boutique?

A All types of novelties for tourists. Souvenirs and so forth.

Q Did you sell regular books and such?

A Definitely.

Q Magazines?

A Time, Life, Look, Readers Digest.

Q Did you sell any lingerie?

A A complete line of lingerie.

Q In other words, it was a general store which also had some adult or erotic literature, is that correct?

A Correct.

Q What about this House of Paperbacks, did you also open that?

A That belonged to someone else, but we took over as managers on a percentage basis.

Q When did you do that?

A Approximately a month after we took over our own store, the beginning of '69.

Q All right.

Now, we will get back to these two places in Las Vegas. But I want to direct your attention to 1968 and ask you whether or not there was some time in 1968 when you were unable, because of financial straits, to hire Shorty and continue to employ him.

A Well, that was the period of time that he worked

1 for Bromberg when I introduced him to Herb, and he went to work
2 as a manager of some of these clubs.

3 Q All right.

4 Now, in 1968 did you have some financial setback
5 in regards to the Hollywood Shopper?

6 A Yes.

7 Q All right.

8 And do you recall meeting an Arlene Marlatt?

9 A Yes.

10 Q Where did you meet her?

11 A Shorty and a fellow named Lance brought her to the
12 house.

13 Q Lance Victor?

14 A Lance Victor, yes. And she was in her last months
15 of pregnancy. And they had no place to go.

16 Q All right.

17 So let me ask you this, did they stay there for a
18 period of time?

19 A Yes, the three of them.

20 Q All right.

21 Now, can you tell us whether or not Lance and
22 Shorty went some place, or did they stay with you in 1968
23 continually?

24 A After the baby was born, Lance and Shorty went north,
25 up north of San Francisco, and went to work in the salt mines
26 because there was no work in the movie industry, and I didn't
27 have enough work to keep both of them busy, nor Shorty busy.

28 MR. WHEEDMAN: Move to strike, your Honor, the portion of

1 the witness' testimony there was no work in the movie industry.

2 MR. KATZ: I have no objection, your Honor.

3 THE COURT: I will strike it out. It may go out.

4 The jury will disregard that segment or portion
5 of the answer.

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1 Q BY MR. KATZ: With respect to your own financial
2 situation at or about that time in 1968, I take it, you were
3 unable to afford to hire him, is that correct?

4 A That's correct.

5 Q It was in that time period that he went with Lance
6 Victor to the salt mines, is that correct?

7 A That's correct.

8 Q Where was Arlene Marlatt and her baby at that
9 time?

10 A Stayed at my house.

11 Q How long a period did she stay at your house with
12 the baby?

13 A Till the baby was about four -- three months old.

14 Q In other words, Arlene and the baby stayed there
15 approximately three months or so?

16 A Right.

17 Q Did somebody come down and pick the baby up?

18 A Don came back from up north and then Lance came
19 back right after that. Then Lance and the baby and Arlene
20 went back up north again. But Don stayed behind, stayed here.

21 Q All right.

22 So, roughly ---

23 A With me.

24 Q Roughly three months after Arlene and the baby first
25 appeared at your house as such, Lance Victor took Arlene and the
26 baby back up north, is that correct?

27 A Correct.

28 Q And Don remained in Los Angeles then in the latter

1 part of 1968, is that correct?

2 A Yes.

3 Q Now, where did Don live after Lance went up with
4 Arlene and the baby?

5 A He stayed with me for a while.

6 Q Where were you living at that time?

7 A 8010 Hollywood Boulevard.

8 Q Did he work for you at that time?

9 A Yes.

10 Q Where did he work for you?

11 A At that time he worked for me at the Hollywood
12 Shopper.

13 Q All right.

14 What was he doing at that time?

15 A General clerk and general handyman around the
16 shop.

17 Q All right.

18 Now, did he have a key to the premises?

19 A Yes.

20 Q Did you give all your employees keys?

21 A No. Don was a rare exception. I had a full trust
22 and confidence in Don. He had full access to anything I had
23 in the place.

24 Q All right.

25 So he was the only employee that had a key, is that
26 correct?

27 A Correct.

28 Q Now, let's move on then to -- excuse me, sometime

1 in 1968, before Lance and Donald went to the salt mines.

2 Did you see a set of guns that Shorty had?

3 A Yeah. I not only saw them, I loaned him the money
4 to buy it.

5 Q Before you saw the guns, did you have a discussion
6 with Don about purchasing those guns?

7 A He talked about those guns practically daily for
8 over a month.

9 Q What did he say about those guns?

10 A He wanted them so badly he just couldn't stand the
11 thought that someone else could get them because the guy might
12 sell them if he didn't have the money to get the guns.

13 Q As a result of that conversation, what did you do?

14 A I loaned him \$100 plus I gave him a couple of
15 surplus cameras that I had from the shop to use to buy the
16 guns.

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Q All right. And after you gave him the money and the cameras, did you see Don with some guns?

A Definitely.

He had them at home with him and continuously was polishing them at night at the house.

MR. KATZ: May I approach the witness your Honor?

THE COURT: Yes, sir.

Q BY MR. KATZ: Showing you People's 9-A and 9-B for identification, would you please look at these guns and tell me whether or not you recognize these guns as similar to the ones that Shorty had in 1968?

A Yes, they appear to be the guns.

Q Now, when you saw those guns did Don have them in some container or holder?

A He made a special -- he took an attache case from the store -- he took a couple, as a matter of fact, and made a cutout of styrofoam and set them in there and used it as a display for his guns.

Q You say some attache cases from the store?

Is that correct?

A Correct.

Q Showing you People's 10 for identification, do you recognize this as an attache case coming from your store?

A Well, I bought 24 of them at the same time, and this appears to be one of them.

Yes, definitely the same type.

Q You can't say whether that is exactly the one?

A Well, no, but exactly the same type.

They came in black and brown.

Q Now, after Don got the guns, what was his attitude towards these guns?

What did he say?

What did he do with them in your presence?

A Well, he got a set of holsters and he practiced quick draw constantly, hoping that he would be able to use the quick draw thing in his movie jobs.

He would sit and watch television at night and he would polish them and rub them, and he would just go ecstatic about his guns because this made a complete thing for him as far as being a western actor.

Q Is that what he told you?

A Yes.

Q Did you ever see him at any time mistreat his guns?

A Absolutely not. They were his children.

Q Now, knowing Don as long as you have, between 1965 and 1969, in your opinion would he have ever sold those guns?

A No, emphatically not.

It was a lifelong dream come true for him.

MR. WEEDMAN: I would object to that, your Honor. It is not responsive.

It is conclusion on the part of this witness. There is no foundation at all for that.

THE COURT: Read the question, please.

MR. KATZ: I agree with respect to the latter statement.

I think Mr. Weedman is correct. "Lifelong dream" should be stricken.

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1 THE COURT: Is the question withdrawn?

2 MR. KATZ: Not the question, it is just the latter part --

3 THE COURT: Read the question back, please.

4 (The question was read by the reporter
5 as follows: "Q Now, knowing Don as long as you

6 have, between 1965 and 1969, in your opinion
7 would he have ever sold those guns?")
8

9 THE COURT: I think it is conclusional, but I think
10 questions can be asked that witness that would bring out facts
11 along that line. What is your opinion of Don? Did he treasure
12 those guns? Did he want those guns?

13 Those facts, I think, are matters of observation,
14 but the question as framed is very conclusional. I would be
15 inclined to sustain the objection the way it is phrased.

16 MR. KATZ: If your Honor please, there was no objection,
17 as such. There was a motion to strike the latter part of the
18 answer, which I think was not responsive.

19 I think Mr. Weedman is correct.

20 THE COURT: Read the statement, then.

21 MR. WEEDMAN: Your Honor, perhaps I can be permitted to
22 withdraw my objection to that portion of the testimony.

23 THE COURT: It may stand.

24 MR. KATZ: Thank you, Mr. Weedman.

25 Q Now, as well as you knew him in that five-year
26 period, was it your opinion that he treasured those guns?

27 A Emphatically.

28 Q Now, over the years that you knew Don, that is

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1 between 1965 and 1969, had you advanced him on numerous
2 occasions loans?

3 A Oh, all kinds of money.

4 Q Did he ever fail to pay you back?

5 A No.

6 Q Or work it out in employment?

7 A He would work it out, take out so much each week
8 out of his pay or if he worked someplace else he could come
9 and bring me the money before he went away to do another movie
10 job or whatever.

11 Q But on those occasions he always paid you back or
12 worked it out?

13 Is that correct?

14 A Correct.

15 Q I want to direct your attention to July 1st, 1969
16 and ask you whether or not you were present during the marriage
17 of Donald and Magdalene Shea?

18 A I was his best man.

19 MR. KATZ: Your Honor, may I approach the witness?

20 THE COURT: Yes.

21 Q BY MR. KATZ: Showing you People's 4-B which shows
22 four people, including Donald and Magdalene, do you recognize
23 yourself as being in the picture?

24 A That is me.

25 Q That is the gentleman on the left side of the
26 picture?

27 Is that correct?

28 A Yes.

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1 Q Do you know the girl at the right side of the
2 picture?

3 A Yes. She is a secretary that did work for us at
4 one of the stores.

5 Q Do you recall her name?

6 A I will think of it. I really can't at the moment.

7 Q But this was a picture that was taken following
8 the wedding ceremony?

9 Is that correct?

10 A Yes.

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18a-1

1 Q Now, after the marriage of Shorty to Magdalene,
2 July 1st, 1969, did they reside or make an attempt to reside
3 in Las Vegas?

4 A Yes, they stayed in Vegas for a while.

5 He was working at the House of Paperbacks for me.

6 Q You were kind of supporting him?

7 Is that correct?

8 A No, he was supporting himself. He was drawing a
9 salary.

10 I had advanced him some other money to help him
11 find an apartment, to use as a down payment. I can't say I
12 supported him. The man always carried his own self.

13 Q In other words, he was earning his own keep?

14 Is that correct?

15 A Right.

16 Q Did he have any experience, to your knowledge, of
17 finding a place to stay with Nikki?

18 A He had quite a bit of trouble.

19 Q As a result of this trouble do you know whether or
20 not Nikki stayed or left Las Vegas?

21 A Well, you might say it is a conclusion on my part,
22 but --

23 MR. WEEDMAN: That is certainly true, your Honor, and I
24 am going to object to it on those grounds.

25 THE COURT: Well, let's get our transcript straight.

26 MR. KATZ: I withdraw the question.

27 THE COURT: Do you withdraw the question?

28 MR. KATZ: Surely, your Honor.

18a-2

1 THE COURT: Strike the answer.

2 The question is withdrawn. Restate it.

3 MR. KATZ: Thank you, your Honor.

4 Q Shortly after the marriage, within several weeks,
5 did Nikki leave Las Vegas?

6 A Yes, she did.

7 Q Now, before she left Las Vegas for good, did she
8 return to Los Angeles by way of airplane with yourself?

9 A Yes, she went to a funeral, and I happened to be
10 going in that weekend, and we traveled together.

11 Q Were you picked up at the airport?

12 A By my wife.

13 Q That is Marian Binder?

14 A Yes.

15 Q Thereafter did you drive someplace from the airport?

16 A We went directly to my home at 8010 Hollywood
17 Boulevard.

18 Q Did Nikki visit with you for a while?

19 A She stayed most of the afternoon.

20 Q And you talked about various things and visited
21 socially?

22 A That is correct.

23 Q And thereafter did Nikki leave?

24 A Yes.

25 Q Now, I take it you returned to Las Vegas?

26 Is that correct?

27 A Correct.

28 Q Donald was still in Las Vegas?

18a-2

1 Is that correct?

2 A That is correct.

3 Q Some time Nikki left, and I am referring to Mrs.
4 Shea, left Las Vegas for good?

5 Is that correct?

6 A Yes.

7 Q Approximately how much time elapsed from the time
8 she was married, July 1st, 1969 until she left, if you recall?

9 A It wasn't very long.

10 It was a couple or two weeks. I don't recall the
11 exact time.

12 Q Now, did Don a short time thereafter leave also?

13 A Yes. He told me he was going back to join her
14 in Los Angeles.

15 THE COURT: Pardon me? There is a little confusion.

16 The witness has stated it was about two weeks
17 after, as I understand it, in substance, July 1st that he left
18 Las Vegas.

19 Is that correct?

20 MR. KATZ: That she left Las Vegas.

21 THE COURT: Let's get the date.

22 In other words, without me drawing the conclusion,
23 set the date, if you will.

24 Q BY MR. KATZ: When you said July 1st, you were
25 talking about July 1st, 1969, the date they were married?

26 A Right.

27 Q You said, as I understand it, roughly two weeks
28 after July 1st, 1969 Nikki returned to California?

18a-3

1 Is that correct?

2 A As far as I can remember. It was unimportant just
3 when she left at the time.

4 I don't recall the exact date.

5 THE COURT: That would be something like the 14th day
6 of July?

7 As I understand it, he left Las Vegas --

8 MR. KATZ: Not he, your Honor, she, Mrs. Shea.

9 THE COURT: I beg your pardon.

10 MR. KATZ: Thank you, your Honor.

11 THE COURT: That is the correct date?

12 THE WITNESS: Approximately. A couple of weeks after
13 they were married.

14 Q BY MR. KATZ: All right. Now, how soon thereafter
15 did Shorty leave Las Vegas?

16 A A week or 10 days after that.

17 Q Now, during that period of time --

18 THE COURT: Set the date. A week -- I know a week is
19 seven days, but let's try to approximate it in the transcript.

20 Q BY MR. KATZ: Just as best as you can recall, a
21 rough approximation.

22 A Approximately the 25th -- no, wait a minute. It
23 had to be around the 30th.

24 It was two weeks.

25 Q That is your best recollection?

26 Is that right?

27 A Yes.

28 MR. WEEDMAN: I'm sorry, your Honor. Now I am confused.

1 Around the 30th what happened, your Honor?

2 THE COURT: All right, I want this clear.

3 Restate your question, then, would you?

4 MR. KATZ: I would like to, yes, sir.

5 THE COURT: Clarify it.

6 Q BY MR. KATZ: Were you keeping a calendar as to
7 the exact date these individuals left?

8 A No, I had a lot of employees. I couldn't keep
9 track of everybody.

10 Q So you are just giving us the benefit of your
11 best recollection?

12 Is that correct?

13 A That is correct.

14 Q Now, as I understand it, you believe around July
15 14th Nikki left Las Vegas and went to California?

16 Is that correct?

17 A Correct.

18 Q Now, I believe you thereafter stated roughly seven
19 to ten days following Nikki leaving July 14th that Shorty
20 returned to California?

21 Is that correct?

22 Q It was maybe even two weeks later.

23 THE COURT: From Las Vegas?

24 Q BY MR. KATZ: From Las Vegas?

25 A From Las Vegas.

26 Q This is 1969?

27 Is that correct?

28 A Correct.

18a-5

1 Q Now, during the period of time between Nikki
2 leaving Las Vegas around July 14th, 1969 and Shorty leaving
3 Las Vegas to return to her in California, did he continue to
4 work for you?

5 A Yes, he owed me some money which I had advanced
6 him to find an apartment with, and he stayed long enough to
7 pay that off.

8 Q All right.

9 Now, before leaving Las Vegas to return to Nikki
10 in California, did you loan him any additional money?

11 A I loaned him \$100 because I knew he would need it
12 when he got back to Los Angeles to have any eating money until
13 he found something.

18b

18b-1

1 Q In what form did you give Shorty the \$100?

2 A In a check.

3 Q Was this check cashed?

4 A Yes.

5 MR. KATZ: Excuse me, your Honor. I would like to show
6 this to Mr. Weedman.

7 THE COURT: Yes. We had better mark it.

8 Show it to counsel, and we will mark it for
9 identification.

10 (Short pause.)

11 MR. WEEDMAN: Thank you, Mr. Katz.

12 THE COURT: You had better identify it.

13 MR. KATZ: I have a check, your Honor, which bears the
14 imprinted matter "Jerry Binder or Miri m," and that is spelled
15 M-i-r-i-a-m, with the address "356 Desert Inn Road, Las Vegas,"
16 bearing the No. 125, to the order of Don Shea, in the amount
17 of \$100, with what purports to be a signature of Jerry Binder.

18 May this be marked People's 26 for identification?

19 THE COURT: Yes, it may.

20 MR. KATZ: May I approach the witness?

21 THE COURT: Yes.

22 MR. KATZ: Thank you, your Honor.

23 Q Mr. Binder, would you carefully look at this check
24 and tell me whether you recognize this check as having seen it
25 before?

26 A Yes, it is my signature and it is my handwriting,
27 and it is my check.

28 Q And you indicated before that Donald returned to

26 id.

18b-2

1 California from Las Vegas, and you gave him \$100?

2 Is that correct?

3 A That is correct.

4 Q This is the \$100 you have reference to?

5 A Yes.

6 Q And this check was, in fact, cashed?

7 Is that correct?

8 A Yes.

9 Q Now, this address here that appears on the check,
10 356 Desert Inn Road, Las Vegas, Nevada, what is that address?

11 A That is the apartment we were living in in
12 Las Vegas.

13 Q Now, how long did you stay at that address?

14 A Approximately eight, nine months.

15 Q How long did you stay in Las Vegas?

16 A I am still in Las Vegas. It is still my home.

17 We still -- I have been there now for three years,
18 going on three years.

19 Q Now, with reference to the period of July of 1969,
20 say, till roughly a year later, July of 1970, where did you
21 live in Las Vegas?

22 A There, and then we moved to another apartment
23 house on Central Park West.

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1 Q And how many times did Don go to this address at
2 356 Desert Inn Road?

3 A Many, many times. Every time he was in Las Vegas
4 when we lived there, he was at our house quite a bit.

5 We moved to the other house, we were still using
6 that checkbook even though we had already moved to the Central
7 Park West house.

8 Q Had Don been to the Central Park West house?

9 A Yes, sir.

10 Q When you gave him the check which is dated 7/10/69
11 in the amount of \$100, were you living at this new address?

12 A Yes.

13 Q All right.

14 And what was the name of that, again?

15 A Central Park West.

16 Q How long did you live at that address, Central Park
17 West?

18 A Nine months after that.

19 Q Did you hear from Shorty during that period of time
20 at all?

21 A Yes.

22 Q When?

23 A When I called my wife in Los Angeles, he was there
24 at the house.

25 After he had left Las Vegas and went back to look
26 for Nikki, and just a few days after I gave him the check.

27 Q In other words, after he left Las Vegas, Shorty,
28 you thereafter called your home at 8010 Hollywood Boulevard?

1 A Yes. He was at my home.

2 Q And you talked to your wife Miriam Binder at that
3 time, is that correct?

4 A That's correct.

5 Q Did you talk with Shorty at that time?

6 A Yes.

7 Q After that time did you see or hear from Shorty
8 again?

9 A I had not heard another word from him.

10 Q Did Shorty ever tell you that it was his intention
11 to leave Los Angeles or California for good?

12 A No.

13 Q Did he ever tell you that he was going to volun-
14 tarily absent himself from California or the United States?

15 A He did not.

16 MR. KATZ: If I may have one moment, your Honor. I think
17 I may be through.

18 THE COURT: Yes.

19 (Short pause.)

20 Q BY MR. KATZ: Knowing Shorty as well as you did
21 and being as close to him as you were, in your opinion would
22 it be unusual for him not to have contacted you over a period
23 of two years?

24 A Definitely.

25 MR. WEEDMAN: Object to that, your Honor. I don't
26 believe there is a sufficient foundation shown for that kind
27 of opinion evidence from this witness.

28 MR. KATZ: I will withdraw the question, then, your Honor.

1 THE COURT: Well, I think maybe the objection is well
2 taken to the last question. The other questions are properly
3 put, I believe.

4 I will sustain the objection to the last question
5 and strike the answer.

6 MR. KATZ: Thank you, your Honor.

7 I have no further questions.

8 THE COURT: All right.

9 Let's take a short recess, folks.

10 Do not discuss the case or come to any opinion or
11 conclusion.

12 I am speaking to the jury.

13 We will proceed in a few moments. Thank you.

14 (Recess.)
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1 THE COURT: All right.

2 People against Grogan. Defendant is here. Both
3 counsel.

4 And you can bring in the jury, if you will, please.
5 Now, you have been sworn. State your name again,
6 please.

7 THE WITNESS: Jerry Binder.

8 THE COURT: Thank you.

9 We will wait till the jury gets in.

10 (The following proceedings were had
11 in open court in the presence of the
12 jury.)

13 THE COURT: Now, all right. We have all of the jurors
14 plus the three alternates. You go ahead with your cross-
15 examination.

16 MR. KATZ: Excuse me, your Honor. I told Mr. Needman
17 I had just a couple of questions, with your permission.

18 THE COURT: All right.

19 MR. KATZ: Thank you.

20 Q You said you moved from the Desert Isle to some
21 other location, is that correct, in Las Vegas?

22 A Central Park West Apartments.

23 Q Did you retain the same phone number you had, or
24 did you get a different phone number?

25 A The same phone number has been with me all these
26 years.

27 Q That number was known by Shorty, is that correct?

28 A That's correct.

19a-1

1 Q Now, do you still operate the Swinger's Boutique?

2 A No, I don't operate the store any more, but I still
3 own part of the building that the store is in. And I still
4 use the store as a mailing address no matter where I travel
5 now.

6 Q All right.

7 Now with respect to the phone number at the
8 Swinger's Boutique, is this the same or different one at this
9 period of time as opposed to when you first opened the store?

10 A No, it's the same number we got when we first
11 opened the store.

12 Q You never changed the phone number of the Swinger's
13 Boutique, is that correct?

14 A Absolutely not.

15 Q It is still in existence at this time?

16 A Correct.

17 MR. KATZ: Thank you, Mr. Weedman.

18 No further questions.

INDEX

CROSS-EXAMINATION

20
21 BY MR. WEEDMAN:

22 Q Mr. Binder, would it be fair to say that during the
23 period of time that you knew Mr. Shea, that he had followed you
24 in different cities where you went to work?

25 A Only Las Vegas.

26 Q Do you recall testifying before the grand jury in
27 connection with this matter?

28 A Yes.

19a-3

1 Q Do you recall making this answer to the following
2 question, this question directed to you by Mr. Katz when you
3 were before the grand jury:

4 "Since that period of time would you
5 regard yourself as being very close to
6 Donald Shea?

7 "A Quite. He stayed at my house.
8 He ate food with me. He followed me in
9 different cities I went to do work."

10 A That's correct.

11 Q And what did you mean by that testimony, Mr. Binder?

12 A Las Vegas. Santa Monica.

13 One time we went to Bakersfield together to put on
14 a performance.

15 Q So there wouldn't be anything unusual, would there,
16 generally speaking, about Mr. Shea leaving the Los Angeles area
17 in order to work?

18 MR. KATZ: Well, excuse me. I will object as calling for
19 a conclusion unless it's connected to Mr. Binder's activities.

20 THE COURT: Well, overruled. Overruled.

21 THE WITNESS: No, he did leave.

22 THE COURT: Answer the question.

23 THE WITNESS: He did leave. Once he went up to
24 San Francisco north of Sausalito to work in the salt mines.

25 Q BY MR. WEEDMAN: To your knowledge did Mr. Shea
26 leave the greater Los Angeles area to work in San Francisco in
27 connection with some personal -- well, in connection with some
28 P.R. work?

19a-4

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A Not to my knowledge.

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Q Now, when was it, Mr. Binder, that you no longer were working with lions and elephants and other such animals?

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A The end of '67.

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1 Q And at that time had you yet started any of the
2 stores that you told us about?

3 A We went directly from lion business into the
4 retail type businesses.

5 Q Mr. Binder, were you, yourself, up until the time
6 you went into these bookstores and variety stores, such as
7 they may have been, involved at all in making motion pictures?

8 A Myself? No.

9 Q Were you involved in any way in the production of
10 any kind of movies?

11 A No.

12 Q Of course, by my question I mean were you involved
13 in any respect?

14 Not necessarily actually filming them, producing
15 them, playing for them, selling them, anything of that sort?

16 A No, sir.

17 Q Now, you indicated on direct examination,
18 Mr. Binder, that not only had Mr. Shea worked with lions, but
19 that he had great strength?

20 A That is correct.

21 Q And I believe that you told us a little bit about
22 an incident where he literally stopped a lion?

23 A It was attacking. With a pole.

24 Q Would you say, then, that Mr. Shea during the
25 period of time that you were associated with him, had considera-
26 bly greater strength than perhaps the average man of his size?

27 A He was a large man, and he had simple strength
28 for a large man.

1 Q How large was he, Mr. Binder?

2 Do you know?

3 A Oh, six foot, six foot one.

4 Q With respect to your apparently many observations
5 of him, did you ever know him to be afraid of anything?

6 A No, he had no fear. He had discretion, but no
7 fear.

8 Q Now, after you ceased working with these various
9 animals, did Mr. Shea continue to work with you or to work for
10 you?

11 A Yes.

12 Q Was that a continuous thing, or was there a gap
13 in his working with you at the end of the lions and the tigers
14 and the like, and the beginning of the book business?

15 A There was always a gap of a couple or three weeks.

16 Q What did Mr. Shea do for a living in that interven-
17 ing period, if you know?

18 A He would work getting part-time stunt work.

19 He would work doing movie bits wherever he could,
20 or anything else. Of course, there was one period of time
21 when he was working for my ex-partner, Mr. Bromberg, as a
22 manager of bars.

23 Q Well, that, of course, was after you began at the
24 Hollywood Shopper?

25 Is that correct?

26 A Yes.

27 Q Now, it is true, of course, is it not, Mr. Binder,
28 that Mr. Shea did odd jobs for you, including handyman jobs?

1 A That is correct.

2 Q What kind of handyman jobs would Mr. Shea do for
3 you?

4 A He built the shelves. He built cabinets, display
5 cases.

6 Q Was that for the Hollywood Shopper?

7 A Yes.

8 Q Did he do any handyman jobs for you when you were
9 with Mr. Scott Larkin in the animal business?

10 A That was mainly handling the animals, cleaning up
11 the cages, moving the animals from one cage to another, or
12 transporting them to different places.

13 Q Would one of Mr. Shea's jobs, then, in connection
14 with the animals have been to clean out the animal cages?

15 A When necessary, and so did I.

16 Q All right. Now, when did you first enter into any
17 kind of business association with Herb Bromberg?

18 A Sometime in 1967. I don't remember the exact date.

19 Q What kind of mail order business was that,
20 Mr. Binder?

21 A We advertised in different periodicals and fulfill
22 the orders that would come in through the mail.

23 Different types of books and novelties.

24 Q What kind of books and what kind of novelties?

25 A They were adult books.

26 Q What do you mean by adult books?

27 A Most of them were sexual instruction books.

28 Q Sexual what?

- 1 A Instruction.
- 2 Q What was the name of that mail order business?
- 3 A Vista La Vie. It is French for View of Life.
- 4 Q What kind of novelties did you mail-order?
- 5 A Prosthetic devices.
- 6 Q Like what, for example?
- 7 A Artificial penises.
- 8 Q Anything else?
- 9 A No, that was the basic item.
- 10 Q Were any of these artificial penises mechanically
- 11 operated in any fashion?
- 12 A No.
- 13 Q Electrically operated?
- 14 A Vibrators.
- 15 Q Electrically operated vibrators?
- 16 A Not electrically operated; battery operated.
- 17 The same type they sell in Thrifty Drug Stores.
- 18 Q You are telling us that Thrifty Drug Stores sells
- 19 battery operated penises?
- 20 A No, I said they sold battery operated vibrators.
- 21 Q My question to you, so we will be clear about it,
- 22 is whether or not any of those artificial penises that you sold
- 23 through the mail were electrically or otherwise battery operated?
- 24 A And I said no.
- 25 Q Now, with respect to these sexual instruction books,
- 26 didn't you sell other kinds of books in the mail which were
- 27 of an erotic nature?
- 28 A Well, it depends on what you call erotic.

1 Q Well, what do you call erotic, Mr. Binder?

2 A I find nothing erotic.

3 Q So to clear up that term, then, perhaps a book, a
4 fictional account which describes the sexual activity between
5 persons, would not be erotic, as far as you use the term?

6 A You are describing passages out of the Bible.

7 Q Are you telling us that you were in the mail order
8 business of selling bibles, Mr. Binder?

9 A No. We sold sexual instruction books.

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Q As a matter of fact, Mr. Binder, you began in 1967 and have continually been in the business not only of mail order but of selling retail pornography?

MR. KATZ: Excuse me. I am going to object and move to strike and ask the jury be admonished about the characterization that such subject matter is pornography in fact. It's argumentative in form.

THE COURT: Well, your direct examination was rather extensive.

Now, read the question again the way it is directed, if you will, please.

(The reporter read the question as follows:

"As a matter of fact, Mr. Binder, you began in 1967 and have continually been in the business not only of mail order but of selling retail pornography?"

MR. KATZ: My objection is to the term and the argumentative characterization pornography.

THE COURT: It was gone into, the question is what this man did.

MR. KATZ: What is pornography, your Honor?

THE COURT: It was gone into from the original date you went consistently through the testimony. I think that it is probably a matter of proper cross-examination.

MR. KATZ: Your Honor, we are only talking about a conclusional term. I have no objection to eliciting anything he sold during that period of time. But our Supreme Court has

21-2

1 already made an attempt to define obscenity and pornography.
2 They haven't succeeded, your Honor. This is the 20th Century.

3 THE COURT: Well, objection overruled.

4 You can ask your question.

5 MR. WEEDMAN: Well, I will withdraw the question.

6 THE COURT: All right.

7 It is withdrawn. Restate it.

8 Q BY MR. WEEDMAN: Mr. Binder, weren't you in the
9 business in these book stores and this mail order business,
10 of selling, among other things, pornography?

11 A I don't know. I can't answer that question because
12 I don't know what pornography is either.

13 Q Did these books, for example, that you sold have
14 photographic illustrations in them, any of them?

15 A Yes. Most of them do.

16 Q Did any of them depict men and women without their
17 clothes on?

18 A Yes.

19 Q Did any of these pictures depict men and women
20 in the act of copulation?

21 A Yes.

22 Q Did any of those photographs depict women with
23 women in acts of sexual --

24 A I presume so. I didn't read every book that we
25 ever got our hands on that we sold.

26 Q Is that because you had so many books, Mr. Binder?

27 A Yes. We sold thousands of them.

28 Q Thousands of the books of the kind that I am

21-3

1 describing?

2 A Uh-huh.

3 Q Did you also sell books which showed in explicit
4 detail acts of sexual conduct between naked men? Homosexuality?

5 A I presume so.

6 Q Pardon me?

7 A I presume there were books.

8 Q As a matter of fact you know such books were sold
9 by you, isn't that true?

10 A That's correct.

11 Q When you said "I presume so" what did you mean by
12 that?

13 A I said I didn't read every book we sold, and I
14 didn't look through the pictures of the books we sold.

15 Q You did see some books you sold?

16 A I agree to that.

17 Q Excuse me. That depicted homosexuality, is that
18 so?

19 A That's correct.

20 Q Now, did you also sell what you called adult
21 novelties at the Swinger's Boutique?

22 A Yes.

23 Q And that means, among other things, artificial
24 penises, does it?

25 A That's correct.

26 Q Did you sell such devices in connection with any
27 other businesses that you had participated in?

28 A Yes. Vista La Vie.

1 Q Of course we have already talked about Vista La Vie.

2 A Uh-huh.

3 MR. KATZ: Excuse me, your Honor. We are getting an
4 uh-huh. That isn't a response.

5 THE COURT: Is there an objection in there? I have
6 nothing to rule on.

7 MR. KATZ: I would like an answer. There is no answer at
8 this point.

9 THE COURT: Motion granted.

10 THE WITNESS: Yes.

11 MR. KATZ: Thank you.

12 Q BY MR. WEEDMAN: What did Mr. Shea do for you,
13 Mr. Binder, in connection with the Hollywood Shopper as far as
14 sales are concerned?

15 A Waited on both men and women who came into the
16 store.

17 Q And by waiting on men and women who came into the
18 store are you indicating that Mr. Shea sold the kinds of items--

19 A He sold merchandise that we had in the store.

20 Q Including such books and photographs we have been
21 talking about?

22 A That's correct.

23 Q Including the adult novelties we have been talking
24 about?

25 A That's correct.

26 Q And was that likewise true in your Las Vegas store,
27 Swinger's Boutique?

28 A That's correct.

21-5

1 Q Now, you indicated that Mr. Shea worked as a
2 general clerk and a handyman and at the same time he was the
3 only employee who had a key. Did you have someone who was
4 acting as your manager at that time?

5 A At one time Donald Shea was the manager of that
6 particular store, the House of Paperbacks.

7 Q Now, when he was working as a general clerk,
8 however, was he also working as a manager?

9 A No.

10 Q When he was working as a handyman was he working as
11 a manager?

12 A No.

13 Q Do I understand then that you had someone else who
14 was acting as your manager at that time?

15 A When I owned the Swinger's Boutique I had --
16 excuse me. When I had the Hollywood Shopper I was the only
17 one else who had the key. I opened and closed each day.

18 At Swinger's Boutique he had the key to the House
19 of Paperbacks, which was another store completely.

20 The only other one who had the key to the store
21 was myself and my partner.

22 Q Who was your partner?

23 A T. J. Underwood.

24 Q Are you still in some partnership with Mr.
25 Underwood?

26 A Only in the ownership of a building.

27 Q I see. Do you recall when Mr. Shea was hired by
28 Mr. Bromberg for the first time to work in one of his beer bars?

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A I can't recall the exact date, no.

Q If I told you that it was around May of 1969 would that be --

A I couldn't.

Q -- substantially correct in your judgment?

A No, I don't think it was that late. It was earlier than that.

Q What business were you in in May of 1969, Mr. Binder?

A In May of 1969 I was in the Swinger's Boutique in Las Vegas.

Q Mr. Shea joined you in Las Vegas that year, did he not?

A That's correct.

Q About what month was that that he came up there?

A The end of May.

Q He went to work for you in what capacity at that time?

A As a clerk and for training as manager for the House of Paperbacks.

Q How long did he stay with you in Las Vegas?

A A little over a month.

Q And he left in order to look for his wife who had--

A To join his wife.

Q Find his wife?

A No, join his wife.

Q To join his wife?

On direct examination, Mr. Binder, I understood you

1 to say that he went back to look for Nikki.

2 A Well, he didn't know exactly where she was living.
3 She had several places where she could have been.

4 Q So as far as you know when Nikki had returned to
5 Los Angeles Mr. Shea didn't really know exactly where she was
6 living?

7 A I really can't answer that question. I don't know
8 for sure.

9 Q Oh. As a matter of fact, to your knowledge, they
10 were having marital problems, were they not, at the time
11 Nikki left to come back to Los Angeles to go to this funeral?

12 A Not to my knowledge.

13 Q How about at the time you lent him some money to
14 get an apartment in Las Vegas? Were they having marital
15 difficulties, to your knowledge?

16 A They were having racial discrimination problems
17 in Las Vegas.

18 Q Are you telling us that marriage, however, apart
19 from that, was a happy marriage?

20 A They appeared to be very happy together.

21 Q Did Nikki return to Las Vegas after coming down to
22 Los Angeles to attend this funeral?

23 A Yes.

24 Q And when was that?

25 A I don't recall. It was about a week or so after
26 we both went into Los Angeles that day.
27
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#22

1 Q All right. And when she returned, I take it, she
2 left Las Vegas again?

3 A That is correct.

4 Q Now, how long was she in Vegas before she again
5 came to Los Angeles?

6 A Again, I can't give you an exact time. A week,
7 ten days, two weeks. I don't know.

8 Q And it was a week, approximately, or two weeks
9 after she left Vegas for the second time that Mr. Shea --

10 A Went to join her.

11 Q Himself left?

12 A Correct.

13 Q Do you recall making these answers to these
14 questions when you testified before the grand jury:

15 "Q And after they got married did
16 Shorty remain with you for a short period of time?

17 "A Yes..

18 "Q Where did he work?

19 "A A place called the House of Paperbacks,
20 which we had on a lease-management arrangement.

21 "Q Did he still work at Swingers
22 Boutique?

23 "A No.

24 "Q How long did he stay there from the
25 time of his marriage until he left?

26 "A The marriage was on rocky ground
27 at that time, and I loaned him some money to
28 get an apartment."

1 A Well, that was the problem, was the racial dis-
2 crimination, about getting an apartment.

3 Q Is that what you meant by your testimony, "the
4 marriage was on rocky ground"?

5 A That is basically it.

6 That was the root cause, apparently, of their
7 arguments.

8 Q What arguments, Mr. Binder?

9 A About staying there in Vegas.

10 The town was hostile towards Negroes.

11 Q Las Vegas is well known for that, would you say,
12 Mr. Binder?

13 A In certain areas.

14 Q They did get an apartment, didn't they, Mr. Binder?

15 A I don't really know how to answer you.

16 They were staying at a motel.

17 Q Are you telling us that you cannot tell us whether
18 or not Mr. Shea and Magdalene got an apartment in Las Vegas?

19 A I really don't know.

20 Q Do you recall lending him a sum of \$250?

21 A I lent him a lot of money over a long period of
22 time.

23 Q Well, particularly do you remember lending him
24 the sum of \$250 after he was married on July 1st, while you
25 were still in Las Vegas?

26 A Not \$250, no.

27 Q Do you remember lending him any money that he
28 might secure an apartment?

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A Yes.

Q How much was that?

A I don't recall the exact amount.

It has been some time back. Don borrowed as much as \$500 from me at times.

Q Now, when you loaned him this money to get an apartment, are you telling us that you don't know whether or not he used that money to get an apartment?

A Whether he used it for an apartment, I don't know.

Q Now, among other moneys you advanced him, you gave him some money to buy a gun or to buy these guns?

How much money was that?

A I gave him \$100 plus a couple of cameras.

Q Didn't you give him \$150 to buy those guns?

A No, it was \$100.

Q Do you recall making this -- these answers to these questions?

"Q When Shorty brought Lance Victor over, and thereafter brought this girl Arlene to your house, did you observe some guns that Shorty had?

"A I gave Shorty the money to buy the guns, and some cameras to use for a trade for those guns.

"Q I see. How much money did you give him?

"A I gave him \$150 at that time."

Does that refresh your memory at all?

A Yes, quite. I told you the \$100 was for the guns,

1 and that is how you worded it.

2 \$50 was for him to live on.

3 Q How about the value of the cameras that you gave
4 him?

5 Can you place any value on those?

6 A I don't recall what kind of cameras they were.
7 We had quite a big selection at the store.

8 Q Did Mr. Shea ever repay you that \$150?

9 A Yes.

10 Q How did he do that?

11 A Part of it in partial payments for work rendered.

12 Q Can you tell us whether or not Mr. Shea actually
13 ever finished paying for those guns?

14 A No.

15 Q No?

16 A No, that was his personal business.

17 Q What about the cameras?

18 Did he repay you for the cameras?

19 A No, I gave him the cameras.

20 Q To your knowledge, did Mr. Shea really practice
21 quick draw with these guns, People's 9-A and 9-B, for identi-
22 fication?

23 A To my knowledge?

24 Q Yes.

25 A I seen him do it constantly.

26 Q All right. Over approximately what period of time
27 overall, Mr. Binder?

28 A Oh, weeks and months on end.

1 Q All right. By quick draw, you mean he takes the
2 gun out of the holster, and then puts it back in?

3 A Yes.

4 Q And he takes it out and puts it back in?

5 A Yes.

6 Q And he does that with both guns?

7 A Both guns.

8 He used to have my daughter clock him with a stop-
9 watch to see how fast he got them out.

10 Q In your opinion, was he pretty fast in doing this?

11 A Yes.

12 Q In your opinion, was that the result of such
13 extensive practice in quick drawing?

14 A That is correct.

15 MR. WEEDMAN: That is all I have, Mr. Binder. Thank you.

16 THE COURT: Is this all, gentlemen?

17 MR. KATZ: Yes, your Honor. May Mr. Binder be excused?

18 THE COURT: Yes. Thank you very much.

19 MR. KATZ: Your Honor, I think we have run out of
20 witnesses at this time.

21 THE COURT: Do you want to call your next witness now?

22 MR. KATZ: Your Honor, we have no witnesses that are
23 available at this time.

24 May we reconvene tomorrow?

25 THE COURT: Yes, that is a point.

26 Are you satisfied to go until tomorrow?

27 MR. KATZ: Yes. Thank you, your Honor.

28 THE COURT: Because it might break right into your

1 testimony. It might happen to the defendant. Either way, I
2 would be willing to give a little time here rather than crack
3 into the middle of the testimony.

4 MR. KATZ: It would be preferable to go until tomorrow.

5 THE COURT: Do you want me to instruct the witness
6 to return tomorrow?

7 MR. KATZ: We are through with this witness, your Honor.

8 THE COURT: Oh, you will handle the witness.

9 MR. KATZ: Yes, your Honor.

10 THE COURT: Ladies and gentlemen, we will recess
11 until tomorrow at 9:30. Kindly return promptly.

12 Do not discuss the case with anybody at all, and
13 do not come to any opinion or conclusion. Thank you very
14 much.

15 (At 3:45 p.m., adjournment was taken
16 until 9:30 a.m., of the next day,
17 Wednesday, July 28, 1971.)
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