

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA, :  
Plaintiff :  
 :  
v. : CRIMINAL NO. 82-00269-N  
 :  
EDWARD JOHN HASBROUCK, :  
Defendant :  
 :  
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U.S. Post Office & Courthouse  
Boston, Massachusetts

Thursday, October 14, 1982

BEFORE:

HON. JOYCE LONDON ALEXANDER, U.S. MAGISTRATE

APPEARANCES:

OFFICE OF THE UNITED STATES ATTORNEY (By Paul F. Healy,  
Jr., Assistant U.S. Attorney), 1107 Post Office  
Building, Boston, Massachusetts, on behalf of the  
Plaintiff.

FEDERAL PUBLIC DEFENDER'S OFFICE (By Owen S. Walker,  
Esq.), 195 State Street, 4th Floor, Boston,  
Massachusetts 02109, as standby counsel on behalf  
of the Defendant.

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I N D E X

<u>WITNESS:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Edward J. Hasbrouck	6	---	---	---

EXHIBITS:

(None)

P R O C E E D I N G S

1  
2           **THE CLERK:** Case of United States of America versus  
3 **Edward Hasbrouck**, Number 32-00269-01. Today is Thursday,  
4 October 14th. Would the attorneys for each parties  
5 please identify themselves for the record?

6           **MR. HEALY:** Paul Healy for the government, Your  
7 Honor.

8           **MR. WALKER:** Your Honor, my name is Owen Walker,  
9 as the Court well knows, and I understand the Court has  
10 asked me to be over here, possibly to appear as standby  
11 counsel for Mr. Hasbrouck.

12           Mr. Hasbrouck tells me that if the Court does allow,  
13 that he wants to represent himself, and he insists upon  
14 that right, and, of course, the case, as I understand it,  
15 do give him that right.

16           **THE COURT:** Uh huh.

17           **MR. WALKER:** But, if the Court does order standby  
18 counsel, he has an attorney -- an attorney is present in  
19 **Court**, a private attorney, who is prepared to perform  
20 that role with Mr. Hasbrouck's assent. But, if he  
21 cannot represent himself, then there is Mr. Benjamin  
22 Hiller (phonetic).

23           **MR. HILLER:** Benjamin Hiller, Your Honor.

24           **THE COURT:** Okay. Thank you, Attorney Walker for

1 coming over.

2 MR. WALKER: You're welcome.

3 THE COURT: Mr. Hasbrouck, you are before me --  
4 Are there any seats in the back? No more seats?

5 THE DEFENDANT: Could I ask first --

6 THE COURT: Let me give you your rights first.

7 THE DEFENDANT: Miss Alexander, before we do  
8 anything else, I believe there are people who would like  
9 to be here, who are not able to -- or else there are  
10 alot of people in the back who can't see. There also  
11 were other people, television cameramen with their  
12 recorders, photographers, who would like to be here. I  
13 believe I have a right to a public trial. I'd like to  
14 have a public trial, and, I think, I could best afford  
15 that, if we were proposed to move to a larger courtroom,  
16 if that's possible. And that, at the very least, to  
17 allow the cameras and microphones here so that, in some  
18 sense, the trial could be made public to the people who  
19 are outside because there isn't room here.

20 THE COURT: We are having an arraignment this  
21 morning. Cameras and microphones are not allowed in  
22 the federal courts. As you probably well know, they  
23 are allowed in state courts but not in federal courts.

24 THE DEFENDANT: I believe it's my right --

1 THE COURT: We only have room for this many people,  
2 sir. I am sorry the courts are -- if you can look at  
3 our dockets, our courts are filled. Our courtrooms are  
4 filled. And, I don't think there is any other room that  
5 we can have this trial in. This courtroom is packed.

6 This Court has allowed persons, who wish to be  
7 present, to stand in the back, and, usually, that is not  
8 allowed because that is probably, more or less, a fire  
9 hazard.

10 So, that (pause) that is all I can say on that issue.

11 THE DEFENDANT: I think it is my right to a public  
12 trial --

13 THE COURT: Do you wish to --

14 THE DEFENDANT: could more easily be afforded --

15 THE COURT: Excuse me, sir. I'm speaking.

16 Do you wish to make any statements?

17 MR. HEALY: No, Your Honor, it's fine.

18 THE COURT: You have made your point, and the  
19 Court takes note of it.

20 Now, would you swear in the defendant?

21 THE CLERK: Mr. Hasbrouck, would you please stand,  
22 raise your right hand --

23 THE DEFENDANT: I would prefer to take the  
24 affirmation with my left hand raised being left handed.

1 It would be more solemn.

2 (Courtroom disrupted)

3 THE COURT: Please, allow this man to exercise his  
4 constitutional rights. I will have no noise in here;  
5 otherwise, you will be removed.

6 Continue.

7 THE CLERK: Do you solemnly swear that the testimony  
8 you are about to give in the case now before the Court,  
9 will be the truth, the whole truth, and nothing but the  
10 truth, so help you?

11 THE DEFENDANT: No, I do not. I would prefer to  
12 affirm.

13 THE COURT: Give him the affirmation.

14 THE CLERK: Okay. You do affirm that all the  
15 testimony you are about to give in the case now before  
16 the Court, will be the truth, the whole truth, and nothing  
17 but the truth? This you do affirm under the pains and  
18 penalties of perjury?

19 THE DEFENDANT: To the extent that the Court will  
20 permit me to tell what I believe to be the whole truth,  
21 I do so affirm.

22 BY THE COURT:

23 Q You are before me this morning pursuant to  
24 an Indictment charging you with violation of Title 50

1 of the United States Code Appendix, Sections 453 and  
2 462(a), Selective Service Act, failure to register.

3 You do not have to make any statements about the  
4 case. Any statements you make may be used against you.  
5 You have the right to counsel. If you cannot afford  
6 counsel, the Court will appoint one for you. Do you  
7 understand?

8 A Yes.

9 Q Would you like -- do you have counsel?

10 A I don't. I'm not represented. I mean, I  
11 represent myself. I am presenting myself before you,  
12 and I am speaking for myself. I think I can better  
13 speak for myself than anyone else can speak for me.

14 Q Do you wish to represent yourself or do you  
15 wish to have counsel?

16 A As I said, I don't wish to represent myself,  
17 to put forward some image. I am simply presenting  
18 myself before you speaking as best I can.

19 Q As has been indicated to the Court by Attorney  
20 Owen Walker, there is standby counsel, Attorney Hiller.  
21 If there are any questions you wish to ask Attorney  
22 Hiller, you may do so with respect to any questions that  
23 I might ask you during this arraignment.

24 A Thank you.

1 Q Would you state your name and spell your last  
2 name, please?

3 A My name is Edward John Hasbrouck,  
4 H-A-S-B-R-O-U-C-K.

5 Q Age?

6 A A-S --

7 Q No, how old are you?

8 A Oh, excuse me. I'm 22 years old.

9 Q Date of birth?

10 A The 11th of January, 1960.

11 Q Address?

12 A 71 Elmwood Road in Wellesley.

13 THE COURT: Assistant U.S. Attorney Healy,  
14 would you state the type of offense, title, section and  
15 maximum penalty for the defendant?

16 MR. HEALY: Yes, Your Honor. The offense  
17 charged is failure to register with the Selective  
18 Service System, violation of Title 50, United States Code  
19 Appendix, Sections 453 and 462(a). Maximum punishment  
20 is a five year -- term of five years imprisonment, a  
21 fine of \$10,000.00, or both.

22 BY THE COURT:

23 Q Do you have a high school education?

24 A Yes, I do.



1 THE CLERK: Please stand (inaudible)

2 THE COURT: Would you please stand? My

3 Clerk asked you if you would please stand when addressed --

4 THE DEFENDANT: I would prefer not to. I  
5 think we can speak to each other better if we're both  
6 sitting down.

7 THE COURT: I don't feel we can, Mr. Hasbrouck,  
8 and out of respect for the Court, would you please stand?

9 THE DEFENDANT: If you'd like to stand up  
10 and we --

11 THE COURT: Would you --

12 THE DEFENDANT: - could talk both standing up,  
13 that's fine with me.

14 BY THE COURT:

15 Q Do you have a college education?

16 A I went to the University of Chicago for  
17 three years.

18 Q Are you under the care of a physician?

19 A No.

20 Q A psychiatrist?

21 A No.

22 Q Excuse me?

23 A No.

24 Q Present physical condition?

1           A     Reasonably good.

2           Q     Have you received, read, and reviewed the  
3 **Indictment?**

4           A     Yes, I have.

5           Q     Do you understand the charges against you?

6           A     In a certain sense, yes. I think I understand  
7 what the government is accusing me of.

8           Q     Do you wish the Indictment read?

9           A     Yes, I would, so the other people here can  
10 hear it.

11          Q     Okay. Beginning on or about July 27, 1980,  
12 and continuing to the day of the return of this **Indictment**,  
13 within the District of Massachusetts, Edward J. Hasbrouck,  
14 defendant herein, and a male person, required to be  
15 present -- to present himself for and submit to  
16 registration, pursuant to the Military Selective Service  
17 Act and Presidential Proclamation 4771 of July 2nd, 1980,  
18 did knowingly and willfully fail, evade, and refuse to  
19 **present** himself for and submit to registration, in  
20 **violation** of Title 50, United States Code Appendix,  
21 Sections 453 and 462(a).

22                   Are you ready to plead?

23           A     I don't wish to plead; however, there are a  
24 number of other people here who would like to say

1 something about it at this time.

2 Q I will hear from no other persons. You are  
3 **exercising** your constitutional rights. This is not  
4 their trial. This is your trial. Do you wish -- are  
5 you ready to plead and how do you plead?

6 A Not until they've had an opportunity to speak.

7 (pause) (Courtroom disrupted)

8 THE COURT: Well, sir -- the Court -- Sir, I  
9 will have you removed from this Court. Marshals.

10 (pause) Well, the disrespect of the defendant invokes  
11 the disrespect there.

12 BY THE COURT:

13 Q Are you ready to plead?

14 A I don't wish to plead. To me, pleading is  
15 begging and grovelling. I don't think I have done  
16 anything to which I should be obliged to give an answer  
17 to. I do not wish to plead. If you enter a plea for me,  
18 it will not be a plea for me. It will be a plea against  
19 me entered over my expressed objections.

20 Q Thank you, sir. The Court enters the plea of  
21 not guilty.

22 (Witness withdrew)

23 THE COURT: Is there an issue of bail?

24 MR. HEALY: No, Your Honor. He appeared today

1 voluntarily.

2 THE COURT: The defendant is released on his  
3 personal recognizance. The government shall furnish  
4 the defendant with automatic discovery, forthwith.  
5 Pre-trial motions shall be filed on or before October 25th.  
6 The government shall respond on or before November 2nd.  
7 A hearing on the motions will be scheduled for 11 o'clock,  
8 November 3rd.

9 Will the government estimate how long the trial will  
10 last and how many witnesses will be called?

11 MR. HEALY: Your Honor, I would estimate approximately  
12 five witnesses. The government's viewpoint -- a day.

13 THE COURT: One day?

14 MR. HEALY: Yes.

15 THE COURT: Thank you.

16 MR. HEALY: Your Honor, --

17 THE DEFENDANT: Can I have those dates in writing,  
18 possibly?

19 THE COURT: Excuse me. He's speaking.

20 MR. HEALY: Your Honor, I would ask that the  
21 defendant be processed. I don't believe he's been  
22 processed yet --

23 THE COURT: It is so ordered.

24 MR. HEALY: -- by the Marshal's.

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THE COURT: Mr. Hasbrouck?

THE DEFENDANT: Could I have those dates for the court appearances and the motion hearings and the motion deadlines?

THE COURT: Would you take out a pen? I just gave the -- (pause). October 25th is when you must file your motions. November 2nd is when the government shall respond. November 3rd at 11:00 a.m. is when there will be a hearing on the motions.

MR. HEALY: Your Honor, would his processing be a condition of his release?

THE COURT: Yes.

MR. HEALY: Thank you.

THE COURT: You are ordered to go with the marshals and be processed. Is there anything further?

MR. HEALY: No, Your Honor.

THE CLERK: All rise. This Court is adjourned.

(Whereupon, the matter was adjourned.)

C E R T I F I C A T E

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2  
3 I, LINDA M. DIONNE, do hereby certify that the  
4 foregoing transcript, Pages 1 through 13 inclusive,  
5 was reduced to typewriting by me from the recordings  
6 of the U.S. Magistrate and is a true and accurate  
7 record of the proceedings to the best of my ability.

8 Dated at Boston, Massachusetts, this 7<sup>th</sup>  
9 day of February, 1985.

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13 Linda M. Dionne  
14 LINDA M. DIONNE  
15 Transcriber  
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