**Friday, Oct. 18, 2024 / Reconsidering the Menendez brothers**

**[HALF SECOND OF SILENCE]**

AJA ROMANO (SENIOR CULTURE WRITER, VOX) : So as you're probably aware, the Menendez brothers were sentenced in 1996 for the murders of their parents.

SCORING IN <Modern Ghosts (Horror) (ambient, spooky) BMC>

*<*[*CLIP*](https://www.youtube.com/watch?v=Fc-qYmID9iE)*> CBS News*

*Reporter: There were no tv cameras in court when Erik and Lyle Menendez finally heard 12 citizens render judgment.*

AJA: They were convicted of murdering them in 1989 and sentenced to life in prison without parole. But recently, we've had a pair of polarizing shows on Netflix that have kind of revived the conversation around them.

*<*[*CLIP*](https://www.tiktok.com/@melissagorga/video/7421758190364134699?lang=en)*>tiktok*

*Melissagorga: I can’t sleep! Ever since I watched The Menendez Brothers, The Monster movie, whatever on Netflix, I can't stop thinking about it!...*

AJA: And we've also had some newly uncovered evidence that has prompted the Los Angeles district attorney to consider a motion to vacate their convictions entirely.

*<CLIP> ABC News*

*Los Angeles District Attorney George Gascon: I don’t think they deserve to be in prison until they die. Kay? I don’t believe that.*

AJA: So they’re in the news again.

NOEL KING (HOST): On Today, Explained. Reconsidering the Menendez Brothers.

**[THEME]**

NOEL: It’s Today, Explained, I’m Noel King. Just a quick warning before we get started: There is some discussion of sexual abuse in today’s show, but none of it is very graphic. If that’s not for you, we’ll see you back here on Monday.

NOEL: Aja Romano is a senior culture reporter at Vox. And these days Aja’s been writing a lot about the Menendez Brothers, Lyle and Erik. Aja, let’s start this way – remind us the details of what happened here.

AJA: So in 1989, there was a double homicide in the Menendez home.

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*<*[*CLIP*](https://www.youtube.com/watch?v=Fc-qYmID9iE)*> HARD COPY*

*Host: it’s not supposed to happen in Beverly Hills, a movie executive and his wife were brutally slain in their million dollar mansion.*

AJA: Jose was a wealthy studio mogul. He was a record producer. He worked with the boy band Menudo. So he was a really influential Hollywood figure. And so this was a high profile murder.

<[CLIP](https://youtube.com/watch?v=Fc-qYmID9iE)> CBS News

Marvin Iannone: I’ve been in this business for over 33 years, and uh i’ve heard of very few murders that were more savage than this one was.

AJA: The boys called 911…

*<CLIP> CBS NEWS*

*911 Operator: Beverly Hills emergency…*

*Lyle Menendez: <crying> somebody killed my parents.*

*911 Operator: pardon me?!*

*Lyle Menendez: <crying> somebody killed my parents.*

*911 Operator: what?! who!?*

AJA: But they eventually confessed to orchestrating the murders themselves. They bought shotguns. They shot their parents while they were just sitting at home in the living room. It was a very brutal assault. And it was basically they had sort of one of the trials of the century before the O.J. trial. So I think there are a lot of reasons that they were catapulted into the spotlight in the 90s and then they sort of stayed in the public eye ever since.

SCORING OUT

AJA: The thing that sort of put them in the police target was that after the deaths of their parents, they sort of went on this wild spending spree.

<[CLIP](https://www.youtube.com/watch?v=ENldAkNvSGc&t=1024s)> *Court TV Trial Tape*

*Prosecution: Why did you need to buy a rolex watch four days after your parents were killed?*

*Lyle Menendez: I didn’t need to.*

*Prosecution: You wanted to?*

*Lyle Menendez: Well, what happened that day was that I was sort of down and kind of depressed and wandering into stores. … and I don't know why, but i just purchased the rolexes…*

AJA: They partied. They drove around in two limousines. <laugh>They they did a lot of things that really made people think that they were being callous and didn't care that their parents died. In addition to the lavish spending that they were doing, which made them suspects to the police, the investigation found that the brothers had bought shotguns with cash. And the police began to suspect that the brothers had had done this killing themselves. And ultimately, the pair were charged after Eric, who was 18 at the time of the murder, confessed the killings to his therapist.

NOEL: When the Menendez brothers went to trial, the prosecutors had to make an argument about why they would have killed their parents. What did the prosecution say?

AJA: So the prosecution argued that the motive was really simple, that it was purely greed,

*<*[*CLIP*](https://www.youtube.com/watch?v=Fc-qYmID9iE)*> CBS News*

*Anchor: prosecutors say the brothers real fear was being cut out of their parents’ $14 million estate.*

AJA: And so they decided to murder their parents and blame it on the mafia and then spend all the money.

*<*[*CLIP*](https://www.youtube.com/watch?v=Fc-qYmID9iE)*> CBS News*

*Prosecutor 1: Erik fear alright. He feared that he would have to get off of his butt and work just like all the rest of us.*

AJA: And the last point was strengthened by the fact that we had watched them spending all the money. The brothers’ defense attorneys, however, in the first two trials, their argument was that the brothers were motivated not by greed, but by years of having been worn down and having had experienced violent sexual abuse at the hands of their father.

NOEL: Hm

AJA: And the argument went that Lyle Menendez found out just days before the shootings that Erik Menendez, the younger brother, was still experiencing the sexual abuse, sexual abuse that Lyle thought had ended in their childhoods, had for Erik, been allegedly ongoing into his adulthood. And that that this this revelation sort of formed the basis for the killings as a form of self-defense, because the brothers believed that they were were that their lives were in danger.

*<CLIP> Court TV*

*Defense: did you think that Lyle would threaten your father?*

*Erik Menendez: no.*

*Defense:And what was the nature of the threat as you understand it, from what Lyle told you.*

*Erik Menendez:Just that if dad ever touched me again, he would tell everyone.*

*Defense:And why did that concern you that he had said that.*

*Erik Menendez: He would kill you. He would not permit you to do that.*

NOEL: Okay. So the brothers were convicted, so their defense didn't work at the time. Was there any understanding of whether this explosive accusation that they made about their father's abuse was true?

AJA: So in the first two trials, the defense called over ~~50…~~ 50 witnesses who were both from Eric's life. People who knew them had known them as children and expert witnesses. So all of these witnesses together corroborated these claims of abuse. The juries heard from the brothers directly. They heard from relatives who witnessed Jose repeatedly physically abuse the brothers and one relative who claimed that he saw Jose shower with the boys. One cousin who claimed that Eric had told her when he was a child about being sexually abused by his father And she had believed him ever since and had maintained that She told Kitty Menendez at the time that Erik told her and that Kitty had basically laughed it off and done nothing.

*<*[*CLIP*](https://www.youtube.com/watch?v=GfMsTPg1vgg)*> Court TV*

*Diane Vander Molen: she didn't believe me*

*DEFENSE: Did you tell her?*

*Diane Vander Molen: yes I told her what I believed to be going on what Lyle had was indicating to me and uh she immedi– I don't remember that she said anything to me just that I knew that she did not believe me and she took Lyle and and brought him back upstairs*

AJA: So whether they did it wasn't in question. They went into trial saying, we did do it. We admit that we did it, but here's why we did it. So that left the jury struggling over whether to convict the pair of manslaughter or murder and first degree murder or second degree murder. And it all resulted in hung juries. So for the second trial, many things changed. And the biggest was that the entire defense was essentially disallowed by the judge who declared the that the, quote unquote, abuse excuse was not going to be permissible. So that basically ruled out all of the the witnesses, the corroborating witnesses. It ruled out all of the other mental health experts and medical experts who could corroborate that the that the boy's testimony was valid and basically just left Erik Menendez testifying on his own on the stand about his own experience, which is obviously a vastly different set, a much different context with which to hear this abuse claim. And the idea that the brothers themselves were victims really never even entered into the conversation, at least in the public conversation.

NOEL: There are two new works out kind of at the same time about this case. One of them is the Netflix documentary that you mentioned. One of them is Ryan Murphy's Netflix show, which is the kind of Ryan Murphy Netflix show. Tell me about the documentary first.

AJA: So the documentary doesn't give you too much new information, but it does let you hear directly from Lyle and Erik Menendez. They appear via phone via their prison. And the documentary is also peopled with with eyewitnesses and firsthand accounts. One of the real takeaways that I had was that the the prosecutor in the first trial was awful. She appears in the documentary and she says sort of without any self-reflection whatsoever that Jose Menendez was a monster and deserved to die. And then she follows that up with you can tell it because he had two kids who became killers. And it's just sort of this wild disconnect in terms of of cognitive dissonance, basically.

NOEL: Tell me about Ryan Murphy's show, Monsters.

AJA: So Monsters is a spinoff of Monster, which is the massively popular Netflix series about Jeffrey Dahmer. And this one, like that other show, has drawn significant backlash for the way it dramatized the events. But I think this one is arguably even more irresponsible because of how it deals with the Menendez brothers specifically, in that it presents them, it suggests that Lyle was a sociopath who manipulated his brother.

*<CLIP> MONSTERS*

*Lyle: <laughs> Are we in that will? Probably not. So we’re gonna find the will, and we’re gonna destroy it. But until then, we are living out best lives <kiss> okay?*

AJA: It suggests that the boys were incestuous and that they were in an incestuous homosexual relationship with each other, although there is no evidence anywhere to suggest this at all. And the brothers have repeatedly said that they aren't queer. So that to me is is one of the most egregious things I've ever seen a true crime docu series do.

NOEL: Even for Ryan Murphy yea.

AJA: Even For Ryan Murphy!

NOEL: Do we know how the Menendez brothers feel about either the documentary or the Ryan Murphy show, or even both?

AJA: Yes, they have spoken out against the Ryan Murphy show, and they have condemned it in no uncertain terms.

*<*[*CLIP*](https://www.youtube.com/watch?v=z6vKGVd0Vfs)*> Today*

*Reporter: Erik Menendez is slamming the series saying it is rampant with horrible and blatant lies.*

AJA: Erik Menendez actually posted a statement about it on Twitter via his wife. And he explicitly condemned the way that the show depicted Lyle. While also obviously sort of just talking about how the show essentially re-victimizes abuse victims.

*<*[*CLIP*](https://www.youtube.com/watch?v=z6vKGVd0Vfs)*> Today*

*Reporter: “It is sad for me to know that Netflix's dishonest portrayal of the tragedy surrounding our crime have taken the painful truths several steps backward.” Adding “I believe Ryan Murphy cannot be this naive and inaccurate about the facts of our lives so as to do this without bad intent”*

AJA: It's like a throwback to the 90s because ultimately the show, while it does deal extensively with the abuse accusations, it ultimately suggests that that they made it all up, which is just such a regressive, harmful narrative to send to abuse survivors.

NOEL: All right. So Ryan Murphy has made a trashy series, as per usual. The documentary sounds pretty reputable. Are either of these works contributing to the L.A. district attorney despite the evidence, despite the confession, saying we're considering a motion to actually vacate the convictions?

AJA: Not in terms of timing, because the evidence that's being considered was submitted in 2023.

NOEL: Okay.

AJA: So in that sense, the evidence has been sitting there for a while. This motion to vacate has been in the works for a while, but the timing right now does suggest that maybe they kind of sped things up because of the advent of these these series.   
  
NOEL: Hmm!

AJA: I mean, that could also just be the the very slow court procedure. But it does feel serendipitous at least.

NOEL: What is this evidence, this new evidence?

AJA: So the quote unquote, new evidence is actually a rediscovered letter that Eric Menendez sent his cousin back in the 80s. Remember, Kitty and Jose Menendez were were murdered in 1989. And this letter actually was written eight months before that shooting. And basically, it was a confession that the sex or the sexual abuse by his father had been ongoing and had continued. And the part of the letter reads…

*<*[*CLIP*](https://www.youtube.com/watch?v=G8QSMbbXXcw)*> Court TV*

*Anchor: it's still happening Andy but it's worse for me now I never know when it's going to happen and it's driving me crazy every night I stay up thinking he might come in I need to put it out of my mind*

AJA: Which is just harrowing and supports, obviously the idea that they were telling the truth all along. Along with the letter, there's been another allegation that popped up recently from a peacock docu series called ‘Menendez + Menudo’, which raised allegations that Jose Menendez actually sexually assaulted a former underage member of the pop band Menudo.

NOEL: What happens next with this new evidence, with this letter?

AJA: So a writ of habeas corpus was submitted and a hearing on that motion is expected to be held on November 26th.

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AJA: At that point, we can expect the district attorney of Los Angeles to issue a recommendation to the court about what what should happen next. And it's I think it's really likely that they're going to recommend that the motion to vacate be upheld and that the brothers have their convictions vacated or at least experience a resentencing.

NOEL: Ahead: when true crime does something … heroic. Vox’s Aja Romano will be back!

**[BREAK]**

**[BUMPER]**

NOEL: Aja, You have written that we're in quite a complicated place when it comes to true crime. Right. You have this Ryan Murphy show that is salacious and unfactual and wrong and suggests gross things that are not true. And at the same time. That series and documentary have renewed interest in the case of these two men and may in fact lead to a reconsideration of what they did, if not vacating their conviction, at least changing the image of them in the public eye. How did we get to this moment where true crime is both so good and so bad?

AJA: <laughs> So I think you have to start with Serial if you're going to talk about the true crime boom.

SCORING IN <'Serial' Theme - 'Bad Dream' Part I>

AJA: Obviously Serial, the podcast came out ten years ago and it immediately caused an explosion both in the podcasting medium in general and in true crime storytelling. So and specifically true crime podcasting. So you had this rush, this massive influx of people discovering true crime as a genre and true crime podcasting as a format and discovering the true crime community on the Internet. So this caused an influx of of what we call web sleuth people doing their own investigations, people, you know, analyzing the evidence on their own people scrutinizing police investigations on their own. It really completely shifted how we think about accountability in the criminal justice system. Because now so many people are interested in crime. So many people are amateur criminologists and so many people are more aware of the ways in which investigations can go wrong.

SCORING OUT

AJA: So this this sort of revisitation that we're seeing with the Menendez brothers, we've been doing this with case after case after case. We've been asking was, were these convictions rightfully obtained? Did the investigation, you know, follow the correct procedures? Were these victims? Did they get justice? Were there wrongful convictions? You know, all these things have happened as a result of the true crime boom.

NOEL: I hear you saying that true crime has changed criminal justice.

AJA: Oh, It absolutely has.

NOEL: How exactly?

AJA: In so many ways. Take the Menendez brothers. This narrative that they were wrongfully convicted of first degree murder began to surface in 2017 just because people began going, hey, look, they said that they were abused. What if we believe, you know, believe victims? You know, these conversations that have come about because as a culture, we've begun reexamining these old cases. That's a major shift that's happened because of this.

*<*[*CLIP*](https://www.buzzsprout.com/1112270/episodes/3884036-lorena-bobbitt?t=0)*> You're Wrong About*

*Mike: To me, Lorena Bobbitt is a complex figure. She's clearly the victim of some form of abuse. She also clearly did something wildly inappropriate. To reclaim her as a feminist hero is bullshit because she's more complicated than that. And to reclaim her as…*

AJA: There are so many ways: our understanding about how bad forensics can be that they are that they can be junk science. Our understanding of the importance of body cams and accessibility and accountability for for the police, our understanding that polygraphs are horrible and you should never, ever take one, for example.

NOEL: Hmmm

AJA: And also the rise of what we call conviction integrity units. That's been a really big one that has changed criminal justice across the country.

NOEL: Tell us what those are.

AJA: So a Conviction Integrity Unit is basically an semi-independent department or committee within the justice system, within a region, a state or a city, that the purpose is to reexamine all convictions and to make sure that they were obtained correctly and that no harm was done to the justice system as a whole in the process of kind of gaining these convictions. So it's a really good way to put more scrutiny on prosecutors and on criminal investigations and make sure that wrongful convictions are dealt with in an expedient manner.

NOEL: What do you think is is different about the sort of conviction, integrity, philosophy now? Is there an assumption that more people may be innocent than we thought?

AJA: Absolutely.

NOEL: huh!

AJA: People are more informed. They know, for example, that false confessions are far, far more frequent and more likely to happen than we previously realized. They know, for example, about all the ways forensic investigations can go wrong. They know that someone who wasn't properly read their Miranda rights, for example, might be uninformed or unable to properly be led through a an interview. Things like that really shape how we how we look at convictions. And I think the most important thing is that prosecutors and the people who are in these committees know that the public is watching and they know that the public is paying attention and that the public is smarter than we that we used to be.

NOEL: The public, you and me and millions of Americans like us has also changed over the years. That's what makes this cultural reappraisal so interesting. The people we thought were villains are much more sympathetic than we ever knew.

AJA: Mhmm  
  
NOEL: But I wonder if it were tried today with our increased understanding of how abuse survivors cope with our increased sensitivity, that many more people are dealing with trauma than we understood 30 years ago. Do you think the sentence might be different if this happened in 2024?

AJA: I absolutely do. For one thing, many, many courts now consider the impact of what we call coercive control, which is the long time strategic manipulation and emotional psychological torture of a family or a victim by a perpetrator. And that actually wasn't even a concept that existed for most of the public when these boys went on trial. So that actually impact can impact sentencing by itself. Which could have had a huge impact on their sentences. I think the best analog for us to look at for for a modern example is the case of Gypsy Rose Blanchard, who was convicted of murdering her mother, Dee Dee Blanchard, after a lifetime of extreme emotional and psychological and physical abuse. She was sentenced to ten years, but only served seven of those years. And when she was released recently, she was hailed as a celebrity. The public was entirely on her side and people were were telling her that she's a survivor and how proud of her they are. You know, she has tons of love and support from the public and she is able to go off and live her life. And and, you know, she'll probably be doing a podcast soon. And that's what you would see today if this happened today. Like, I think you would see the Menendez brothers hosting a podcast and, you know, reaching out to other abuse survivors.

SCORING IN <Your Glass Eye Sees>

AJA: I think one of the best things that the true crime boom has done for the criminal justice system is create more empathy and more directions for more people at all stages, in all phases of of this process, which can be so fraught and so complicated and complex. And, you know, for for so many people, the worst types of murderers also are often the worst type of victims. And and the more we understand that and extend our empathy to those people, the more we create a space. And the more we create a society where we're victims of all of all ranges and all realms are able to find, hopefully find support and understanding before the worst case scenario happens to them.

NOEL: Vox’s Aja Romano. Hady Mawajdeh produced today’s episode. Matthew Collette edited. Laura Bullard fact-checked. Patrick Boyd and Andrea Kristinsdottir engineered. I’m Noel King. This has been Today, Explained.

**[10 SECONDS OF SILENCE]**