

The Doctor Jeffrey  
R. Mac Donald  
Investigation

By:

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## **PROFESSIONAL EXPERIENCE**

- 1979 - Present      **TED L. GUNDERSON & ASSOCIATES**, Santa Monica, California.  
Founder, owner and operator of this international security consulting  
and investigation firm.
- Hosts the "Ted Gunderson Intelligence Report" radio talk show,  
weekdays as follows:
1. American Freedom Satellite Network, GE 1 103<sup>o</sup> West  
(2<sup>o</sup> to the West of Space Net 4) Channel 7, Sub Audio 5.8 Frequency  
10AM to 12PM Central Standard Time (C.S.T.)
  2. WWCR Short Wave Radio 12.160 Frequency, 11AM to 12PM (C.S.T.)
- 1984                      **LOS ANGELES OLYMPIC COMMITTEE**  
Security and Anti-Terrorism Consultant
- 1981-1982              **CALIFORNIA NARCOTICS AUTHORITY**  
Appointed by Governor of California as  
Narcotics Consulting Agent
- 1979                      **PAN AMERICAN GAMES**, San Juan, Puerto Rico  
Security and Anti-Terrorism Coordinator  
Special Appointee of United States Attorney General Griffin B. Bell
- 1951-1979              **FEDERAL BUREAU OF INVESTIGATION**
- |         |   |
|---------|---|
| 1977-79 | Senior Special Agent-in-Charge, Los Angeles, California                                     |
| 1973-77 | Special Agent-in-Charge of Memphis, Tennessee and<br>Dallas, Texas                          |
| 1973    | Chief Inspector   |
| 1965-73 | Assistant Special Agent-in-Charge, New Haven,<br>Connecticut and Philadelphia, Pennsylvania |
| 1960-65 | Special Agent Supervisor, FBI Headquarters,<br>Washington, D.C.                             |
| 1951-60 | Special Agent   |

Received many other awards, including Law Enforcement Officer of The Year. Author of "How to Locate Anyone Anywhere Without Leaving Home" (Penguin Books 1989) and other publications. Has appeared on numerous radio and TV shows including, "Larry King Live", "Geraldo", "48 Hours", "Hard Copy", "Inside Edition" among others. Currently forming an organization known as "Current and Former FBI Agents For Honest Government".

On May 5, 1985, P. E. Beasley, retired Fayetteville, North Carolina police officer advised that Helena Stoeckley was his drug informant from 1968 to 1972. Helena told Beasley that drugs, mainly heroin, were being smuggled into the United States in the body cavities of the dead soldiers from Viet Nam. These drugs were being brought into the country in U.S. Army planes. Stoeckley furnished this information to Beasley prior to the MacDonald murders on February 17, 1970.

After the MacDonald murders, Stoeckley told Beasley the drugs were placed in the body cavities in plastic bags after the autopsy in Viet Nam and before the bodies were placed on the airplanes. The bodies were then sewn up and shipped to various U.S. Army air bases in the U.S., including the air base at Fort Bragg. Stoeckley advised that those who handled the bodies in Viet Nam and the U.S. were army personnel. Most of the drugs came from Thailand.

Stoeckley stated she could give names, dates, places and more details after she was given immunity by the U.S. Government. She stated military and civilian police officers were involved in this net work. Stoeckley advised her Satanic Cult group that murdered Colette MacDonald and MacDonald children were involved in this international drug network. Army authorities were concerned that an investigation of Stoeckley's Satanic Cult group involvement in the MacDonald murders could expose this international drug network.

5/5/86

Fayetteville, N.C.

I, Prince Everette Beasley, make the following free and voluntary statement to Ted L. Gunderson, a private investigator from Los Angeles. No threats or promises were made to get me make this statement.

I was born 6/15/25 at Maxton, N.C. I presently reside at 104 Myra Rd., Raeford, N.C., 28376, Phone: 919-875-3693. I am a retired police officer who served on the Fayetteville, N.C. Police Department from 1953 to 1973.

Helena Streckley was my drug informant from approximately 1968 until 1972. She was turned over to me by Lt. R.A. Studer, Fayetteville, N.C. Police Dept. He turned her over to me because Helena's parents were mad at him for working Helena in the drug community, and because he was made a Lieutenant, and couldn't devote the necessary time to working with her. Studer told me the reason he turned Helena over to me was because of his promotion. Helena told me he turned her over to me because of the problem with her parents.

Shortly after I was assigned to the Narcotic Squad, Helena told me that drugs, primarily heroin, were being smuggled into this country in the body cavities of the dead soldiers being returned by air from Viet Nam to the United States. She named Ike Atkinson as the ring leader. Atkinson was located in Goldsboro, N.C., supposedly working out of Johnson Air Force Base. Helena told me they were smuggling drugs in the same manner into Johnson Air Force Base. Johnson Air Force Base is located at Goldsboro, N.C. She advised Atkinson was in the service, but subsequently got out and continued his business in drugs with the same contacts. I didn't pay much attention to Atkinson because he wasn't in our jurisdiction.

The above information is all that Helena told me up to the time of the MacDonald murders in 1970.

Helena told me after the MacDonald murders that there were contacts in Viet Nam who put the drugs in the G.I.'s bodies, in plastic bags, after the autopsies were complete. The bodies were sewn up and shipped to Pope Air Base, Ft. Bragg, Johnson Air Base, and other bases which she did not name.

When the bodies arrived in the U.S., they were met by a contact in the United States at one of the military bases, and after the drugs were removed by this contact, the bodies were sent to their final destination.

The person who met the bodies at the respective Air Bases knew which bodies to check, based on a pre-determined code. Although I believe Helena knew their identities, she never gave me this information. Helena told me that the people who handled the assignments in Viet Nam, and those who met the planes in the United States, were military personnel. She stated most of the drugs came from Thailand.

Helena stated the drugs and the pickups were made at the base at Fort Bragg. The reason she gave me more details after the MacDonald murders was because she wanted me to know that she knew what she was talking about, and she stated she would give me details, including names, dates, and places, once she was given immunity by the U.S. Government. When Ted L. Gunderson and I initially interviewed her, we told her we would attempt to get immunity for her on these matters.

Helena advised that Spider Newman, his son, Red Newman, Wineford (Winnie) Cole, Tommy Hart, and June Bug Walters (I don't know Walters' real first name) were several steps in the organization under Atkinson. All of these individuals were civilians who operated in the Fayetteville, N.C. area, selling drugs. None of these individuals had a business cover, but sold drugs out of their house.

Those of us in law enforcement knew through our intelligence community that Atkinson ran the Viet Nam smuggling operation on the Eastern Seaboard. I believe Atkinson was arrested by the

Federal Narcotic authorities in the middle 1970's, and he is presently serving time. He was recently turned down on parole.

Spider Newman was being tried for drugs in the mid 1970's. There was a court room break, and he was later found in his car behind his home, shot in the head. I later heard that Spider was getting ready to turn states evidence when this happened. The police ruled this a suicide. His trial was in Federal Court.

Red Newman has been tried on drugs, and is serving time in the Federal System. Cole went to State Prison on drug charges in Fayetteville.

Winford Cole, Tommy Hart, and June Bug Walters were all tried and convicted of drug trafficking. I believe they were all tried in local and Federal Court at different times. I don't know if Cole and Walters are in jail now, but I know Hart is in the North Carolina State Penal System.

In regard to the Viet Nam operation, Helena told me that military, civilian, and police officers were involved in the Viet Nam drug network. She stated there were two prominent local attorneys and Army officers as high as Generals, who were part of the operation. She stated she would name and identify the people if given immunity by the U.S. Government. I believe this is part of the "bomb shell" she said she was going to drop. Helena never named the police officers she said were involved in the Viet Nam operation, but she did state that Studer and Sonberg were involved in drugs. Possibly these are the individuals she was referring to in regard to the Viet Nam drug network, who were police officers. Helena also told me after the MacDonald murders, that Alan Mazorelle, who was in her coven Satanic Cult, was a drug runner up and down the East Coast. Mazorelle took drugs as far away as Florida and New York City. Mazorelle was in the Army at the time. She never said where Mazorelle obtained his drugs.

Helena also told me that Don Harris, also a member of her coven Satanic Cult, was a heavy user of drugs. This is all she said about him.

Helena told me that Dwight Smith was a drug dealer locally. She never said where Smith obtained his drugs. She said Smith was an "alright guy."

Helena told me that Kathy Perry was a user of drugs. She said Perry took as many drugs as she could get her hands on. She said Perry dealt drugs only to maintain her habit.

Helena told me that Greg Mitchell was a dealer and a heavy user of drugs. She never gave details regarding how he dealt, but she stated anytime someone couldn't find drugs, they could always go to Mitchell, and he would have them. At times, he would supply the whole group.

Helena told me that Bruce Fowler was a drug dealer and a user, and that she was his girlfriend. She never gave more details than this.

Dwight Smith, Don Harris, Alan Mazorelle, Bruce Fowler and Greg Mitchell were all in the same coven Satanic cult with Helena, and were all in the military. She stated that all of the above were dangerous, but she was the most afraid of Mazorelle. She stated Mazorelle would kill you in a minute.

I had extensive intelligence files on all of the above close associates of Helena's, but this information has disappeared from the Fayetteville Police files. I learned these files disappeared in August, 1979. During the MacDonald trial I was given a subpoena to bring these records to the trial. It was then that I learned they were gone.

In 1981 or 1982, I talked to Mrs. Greg Mitchell, after Greg had died. She told me Greg had previously told her about drugs being smuggled into the U.S. in the body cavities of the dead G.I.'s from Viet Nam. She stated Greg didn't give her the names of persons involved, but told her about the contacts in Viet Nam who placed the drugs in plastic bags, into the bodies, and others in the U.S. at our Air Bases who met the planes, and took the drugs from the bodies. She stated military personnel were involved in this operation in Viet Nam and in the U.S.

Lieutenant Studer told me in 1968-1969 that drugs were being brought into the U.S. from Viet Nam in the body cavities of the dead soldiers. He said they were being flown into the United States to the military Air Bases, and dispersed from there by contacts within the military.

Studer subsequently was promoted to Captain, Chief of Detectives, but was forced to resign because he misappropriated pornographic material obtained during an investigation. Helena told me that Studer monitored the drugs that Helena obtained, and if he didn't like them he had her exchange those drugs for drugs that Studer could use. Helena told me that if the police obtained drugs on an arrest, they would often be on the street the next day. Studer would take the drugs and give them to Helena to sell back on the street. The only way I know that Studer could get these drugs was from the evidence room. Studer and Detective Larry Sonberg both had keys to the evidence room.

Helena told me that William F. Ivory, C.I.D., and Studer were close friends. She stated that Ivory was dealing drugs with Studer. She stated she would give more details concerning Ivory if she was given immunity. Ivory was involved in the crime scene search on the MacDonald case. She also stated she would give more information on Studer if she was given immunity.

Joseph Bullock was an informant and undercover operator for me and Studer from 1969 to 1971. Bullock advised me that he saw Studer and Ivory exchange envelopes on occasion at the Dunkin' Donuts, Bragg Blvd., Fayetteville, N.C., during this period of time. Studer dropped Bullock shortly after this because, according to Bullock, Studer knew too much of what was going on. Bullock was subsequently shot in the head during an ambush when he came home from work. It was general knowledge in the community that Bullock was an informant for me. Bullock described Studer as a "son of a bitch."

Sonberg left town unexpectedly, shortly after the MacDonald murders. The rumor was that Sonberg had double-crossed some drug dealers, and had to leave town. Helena told me that Sonberg was dealing



drugs even though he was a police officer. I have no knowledge that Sonberg was involved with the drug operation out of Viet Nam.

Helena once mentioned the name Proctor to me. I don't recall what was said about him, but I know she knew him. I assume she was referring to James Proctor, Judge DePree's former son-in-law. I don't recall if she referred to Proctor by his first name. She mentioned this sometime after the MacDonald murders. She said she would talk more about Proctor if given immunity.

Helena told me that 3 or 4 nights after the MacDonald murders she was picked up by Ivory and I believe C.I.D. agent, Shaw. (I don't know his first name.) She stated they talked to her about the MacDonald murders. Helena advised she gave them a story that they didn't believe, and they turned her loose.

Helena told me that Studer contacted her shortly after the MacDonald murders and Studer told her to get out of town because Beasley was after her. She ultimately left, and went to Nashville, Tennessee.

During the time I worked with Helena (1968 to 1972) I estimate that she was responsible, as an informant, for the arrest of hundreds of individuals. I estimate at least 200 persons or more were arrested as a result of information furnished by her.

She set up Mazorelle and Thomas Rizzo for the arrest on drugs just before the MacDonald murders. When I looked for the intelligence files on the Stretchly group in 1979, I recall also looking for the arrest file on Mazorelle and Rizzo for their arrest. I recall they were arrested in January 1970. I remember that these arrest files were intact at that time. I have since been told that the arrest files on Mazorelle and Rizzo are now missing.

It is interesting to note that Mazorelle claims he was in jail the night of the MacDonald murders. He claims he can prove this from Superior Court records in Cumberland County. I have been told there is a slip of paper in the court records that shows Mazorelle was in jail the night of 2/16-17/70. These records are available to the public.

I know Mazorelle was not in jail 2/16-17/70 because I arrested him in January 1970 and recall that the trial was set for Mazorelle the day of 2/17/70. If Mazorelle had been in jail that date (2/16-17/70) he would have been available for trial on 2/17/70, and I would have appeared in court as a witness. John De Carter of the Sheriff's office was with me in the arrest of Rizzo and Mazorelle and he would have also had to appear in court 2/17/70. I specifically recall that I did not appear in court on any case at the Cumberland County Court House on 2/17/70. I was on the street all day looking for suspects on the MacDonald murders.

I don't recall that Mazorelle was out on bail, but I believe he was, or he would have appeared in court 2/17/70. Since he didn't appear I believe he jumped bail, which means a bench warrant would have been issued for him. I recall he was subsequently arrested in Waycross Georgia for burglary, but I have been informed through my sources in law enforcement that the Waycross arrest records are also missing.

I recall that a bondsman, C.B. Avertt, went to Waycross to extradite Mazorelle for jumping bond on my drug arrest. I talked to Avertt in 1979, and he told me that he didn't recall making the bond and had no record. I talked to him a month later and he recalled that he made bond for Mazorelle for \$2500.00 after the MacDonald murders, which, according to him, would confirm that Mazorelle was in jail the night of 2/16-17/70. Avertt is either involved in the cover up or is mistaken. Mazorelle's bond could not have been made after the MacDonald murders because the trial was set for 2/17/70, as explained above.

I don't have knowledge concerning the possible altering of Court House records concerning the Mazorelle-Rizzo drug arrest, but I recall a number of occasions when Cumberland Court House records were altered after working hours at night. I don't believe Mazorelle was in jail the night of the murders.

In addition to the above, Helena told me that Mazorelle was out that night and involved in the MacDonald murders.

In regard to cases that Helena made for me, I recall that she was responsible for the largest drug recovery in the history of our police department up to the time I retired. Several months before the MacDonald murders, she tipped us on drugs that were being transported from Canada to Fayetteville. Seven suspects were arrested, and over \$20,000.00 worth of drugs were recovered.

Helena was also responsible for the arrest of four suspects from Texas, who were also transporting and selling drugs in Fayetteville. We recovered about \$40,000.00 worth of drugs on this case.

Helena told me about every instance where drugs came into Fayetteville from other areas. At the time I didn't think about it, but I now believe she told us about drugs coming from outside Fayetteville to eliminate competition, probably protecting the local drug scene, i.e. The Viet Nam operation. This is my opinion.

Judge DePree and the U.S. Government have attempted to discredit me, insinuating I am having, and have had mental problems. I would like to point out that I have been on the Police Officers Advisory Commission for North Carolina since before I returned from the Fayetteville Police Department in 1973.

I have read this 8 page statement, and it is true and correct, to the best of my knowledge.

Prince E. Beasley

Witness: Ted L. Gunderson  
5/5/86  
Fayetteville, N.C.

## Coffins and Corruptions

The literature of the illicit narcotics trade bristles with tales of perniciously ingenious capers and official corruption. It will probably be a long time, however, before any new chapters can top the two now unfolding. In one case, it is believed that traffickers used the bodies and caskets of American servicemen to smuggle drugs into the U.S. from Southeast Asia. In the second, huge quantities of heroin confiscated by the New York police department were systematically stolen, put back into the street trade, and may now be a source of horse for the holidays. Herewith reports on the two cases:

### Grisly Smuggling

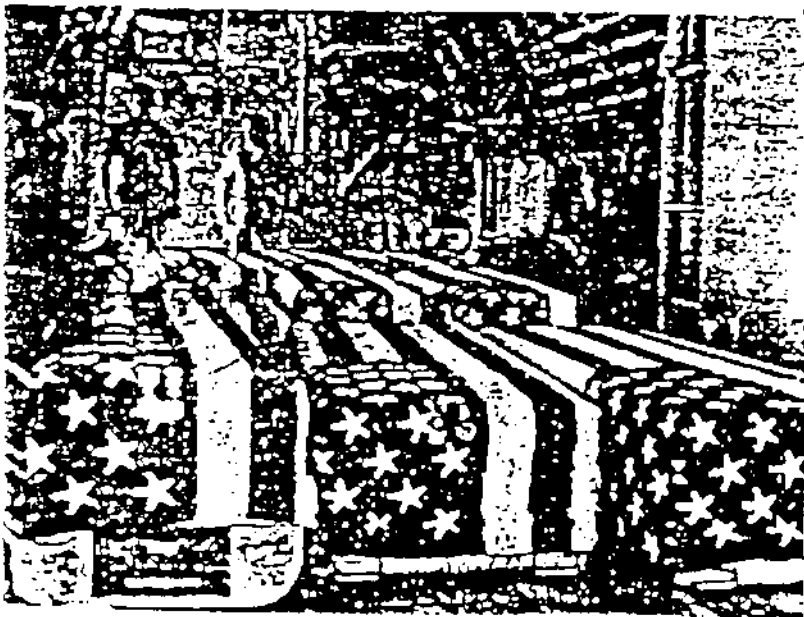
It looked like a routine flight home from Southeast Asia with a stop at Hickam Field, Hawaii, before the final leg to Dover Air Force Base in Delaware. Aboard the KC-135 were 64 passengers, many of them G.I.s, and two military coffins. Suddenly, the plane was ordered to reroute slightly and land at Andrews Air Force Base in Maryland. There federal authorities, acting on a tip that 20 kilos of heroin were aboard, virtually took the transport apart. They did not find any drugs, but they did discover that one of the two bodies, which had undergone autopsy earlier, had recently been restitched.

The agents arrested Thomas Edward Southerland, 31, of Castle Hayne, N.C., who was dressed in the uniform of a U.S. Army sergeant. Southerland, who falsely claimed he had served a twelve-year hitch in the Army, was arrested on charges of impersonation and using fake documents.

Southerland was arraigned in U.S. district court in Baltimore and held in lieu of \$50,000 bail. That seemed pretty stiff for the formal charges, but Assistant U.S. Attorney Michael E. Marr made the bail stick by convincing a district court last week that Southerland was an "incredibly high bail risk." The reason: federal authorities believe that Southerland is an operative in an international ring that allegedly has been smuggling millions of dollars worth of heroin into the U.S. over the past eight years. The principal *modus transportatus*, investigators contend, is G.I. cadavers.

The grisly logistics are not as difficult as they may appear to be. Smugglers with access to military facilities apparently have managed to sew the heroin into the corpses in Southeast Asia. While the body count is low these days, it only takes a few to bring in a sizable cache of drugs. The smugglers can do this—as well as travel back and forth at will—by dint of counterfeit credentials. On this flight the heroin was presumably removed at Hickam Field, where many military transports from Indochina stop for 16 to 24 hours before proceeding to the mainland. The planes there are under minimal guard.

Since there are no customs inspections, this is relatively easy. Authorities estimate that the ring buys the drug in Southeast Asia for \$1,700 a kilo and resells it in the States for up to \$250,000. A full-scale investigation is under way both in the U.S. and in Southeast Asia. If it bears out these suspicions, the nation—already battered by the sorry conflict—will find itself face to face with the most vicious case of war-profiteering in its history.



STRAPPED COFFINS OF SERVICEMEN COMING HOME  
grisly logistics are not so difficult.

## SUMMARY OF

### DR. JEFFREY R. MACDONALD INVESTIGATION

Dr. Jeffrey R. MacDonald was convicted of the murder of his wife, Colette, and their two children. The trial took place in the United States District court, Raleigh, North Carolina in August 1979. Dr. MacDonald was sentenced to three consecutive life sentences. This conviction was the culmination of a nine-year effort by the Department of Justice and the Criminal Investigation Division (C.I.D.), Department of the Army. The government claimed Dr. MacDonald staged a Manson-type slaughter of his pregnant wife and two children in his home at Fort Bragg, North Carolina on February 17, 1970.

The government case is allegedly supported by a very hypothetical reconstruction of the crime scene. The government claims blood spots, fibers from torn garments, and "fabric impressions" on a sheet disprove the (jumbled) memories of Dr. MacDonald when he recounted to investigators what happened in those early morning hours. The government, admittedly, has never developed any credible motive to account for such brutal slayings; additionally, the government admits to many crime scene errors and losses of evidence, which the defense claims invalidates the government's hypothetical crime scene reconstruction.

The defense scenario is quite different from the government scenario. The defense claims that in the early morning hours of February 17, 1970 Dr. Jeffrey MacDonald, then a Green Beret captain and physician at Fort Bragg, North Carolina, was awakened by the screams of his wife. She was in their bedroom; he had gone to sleep on the couch because his younger daughter had climbed into the double bed in the master bedroom and wet the bed. Dr. MacDonald saw at least three men and a woman standing over him. There was a brief struggle, during which he was beaten and stabbed. His pajama top had been pulled up over his head and had bound his wrists, rendering him somewhat defenseless. He collapsed in the hallway and later awakened to a cold, quiet house. He went to his pregnant wife, then to each of their two daughters, trying to resuscitate them. They had been brutally murdered. In disbelief, he called for police and ambulances, and finally collapsed next to his wife's body.

What happened during the next few hours (and, indeed, days and weeks) of the initial investigation was as criminal, although in a different way, as the violence that occurred that morning. To be brief, the crime scene was never secured, upwards of 30 people walked through the house moving things, contaminating the scene, and changing and destroying evidence. Dr. MacDonald was rushed to the

hospital with a collapsed lung and multiple other wounds. His pajama bottoms were negligently discarded, even though they would have been a crucial piece of evidence. Importantly, because the MP dispatcher automatically figured that there must have been some sort of family dispute, investigators went to the task with a mind-set which likely tainted the investigation from the outset. Within hours, the Army C.I.D. had focused on Dr. MacDonald as the chief suspect, ignoring all evidence to the contrary.

A woman matching the description of the female assailant, Helena Stoeckley, who later confessed on several occasions, had been seen in the area near the house shortly after the incident by one of the responding MPs. She was not pursued at that time. The defense was later to learn that there was much additional exculpatory evidence, some negligently destroyed, but some intentionally destroyed, the existence of which was withheld from the defense until discovered through tireless investigation and the release of Freedom of Information Act (F.O.I.A.) documents, aided by some congressional pressure. Importantly, it wasn't until 1983, four years post trial, that the majority of the exculpatory evidence was discovered in F.O.I.A. files.

Back on April 6, 1970, Dr. MacDonald was first told that he was a suspect. An Army tribunal (Article 32 Hearing) was subsequently convened, and after hearing all the evidence over five months, including the testimony of many witnesses who knew the MacDonalds and had observed a normal marriage and family relationship, Dr. MacDonald was found to be innocent of the charges against him. The hearing officer recommended that the woman, Helena Stoeckley, and her group be investigated. The hearing officer specifically cited both forensic evidence and extensive psychiatric evaluations of Dr. MacDonald by both defense and prosecution as important to his findings.

At the conclusion of the hearing, in October 1970, the following recommendations were made:

1. "All charges and specifications against Captain Jeffrey R. MacDonald be dismissed because the matters set forth in all charges and specifications are not true. There are no lesser charges and/or specifications which are appropriate."
2. "That appropriate civilian authorities be requested to investigate the alibi of Helena Stoeckley, Fayetteville, North Carolina, reference her activities and whereabouts during the early morning hours of 17 February, 1970, based on evidence presented during the hearing."

In spite of these recommendations, the Army virtually ignored the possibility that Helena Stoeckley and her associates committed the murders and continued to investigate Dr. MacDonald.

Dr. MacDonald was honorably discharged from the Army and began rebuilding his life in California as a respected emergency physician. However, the Army C.I.D. undertook a reinvestigation of the crimes after having received pressure when Dr. MacDonald and his father-in-law pressured Congress. In 1974, a federal grand jury was empaneled and investigated the case for six months, finally returning an indictment against Dr. MacDonald in 1975. The prosecution was handled by a Department of Justice grand jury "specialist," now deceased, and a lawyer, Brian Murtaugh, who worked in the C.I.D. "reinvestigation" in 1971-72, and who now worked for the Department of Justice. The grand jury indictment was later to be called one of the most bizarre "inquisitions" ever to mock our constitutional due process standards.

There followed years of procedural maneuvers from both prosecution and defense, and in the summer of 1979 there was a trial in Raleigh, North Carolina. The trial judge, Franklin Dupree, never disclosed the fact that the early prosecutor in the case had been his son-in-law, now divorced from the judge's daughter, but still, of course, the father of the judge's grandchild.

During the trial, all 24 consecutive defense motions for admission of evidence or discovery were denied. Simultaneously, the government received positive decisions on seven of their eight motions.

Additionally, numerous critical exculpatory items were hidden from the defense at trial. These items included fingerprints, the loss of a crucial piece of skin from under Colette's fingernail, photos, reliability of witnesses, bloody boots from the female intruder, and the existence of witnesses who saw the group of assailants. Helen Stoeckley's vague admissions of guilt were held to be unreliable for purposes of admitting them as evidence. Yet she was a drug informant for several law enforcement agencies and as an informant she was considered sufficiently reliable to have provided local police with the apprehension of over a hundred suspects for drug-related crimes, although the proof of this statement was hidden until the 1983 release of F.O.I.A. documents. Later, F.O.I.A. documents also proved Helena Stoeckley was so competent, she was used by Nashville police for internal affairs investigations.

The judge also disallowed Dr. MacDonald's seven critical witnesses, those being seven persons who corroborated the admissions of guilt by Helena Stoeckley, the so-called woman in the floppy hat with the candle. She had, additionally, implicated herself in a C.I.D. polygraph, but the testimony of the C.I.D. examiner

who came to the defense over prosecution objections was not allowed by the judge.

Finally, due to the loss of all 24 consecutive motions by the defense (for discovery or for presentation of critical evidence), the trial came down to the allegedly carefully constructed case against Dr. MacDonald, based on very sketchy (and grossly hypothetical) forensic evidence reconstructed from a destroyed crime scene on the one hand, and on the other hand opposed basically by character and psychiatric witnesses for Dr. MacDonald. This brings us to Dr. Brussel and a final crushing blow to the defense.

Judge Dupree declared that if the defense hoped to have its psychiatrists testify at trial, Dr. Macdonald would have to submit to an additional psychiatric evaluation by the government's psychiatrist. This seemed unusual at the time, since Dr. MacDonald had already been evaluated by two sets of defense psychiatrists, and also by a three-man team at Walter Read Army Hospital for the prosecution -- and all exams were essentially very positive and similar. The new exam turned out to be a "sham"; the examiner was one Dr. James Brussel, from New York, aided by New Jersey psychologist Hirsch Lazaar Silverman. The "psychiatric exam" lasted 35 minutes and consisted of no psychiatric questions. Instead, Dr. Brussel read prosecution questions typed by prosecutor Brian Murtaugh. Dr. Brussel was almost 80 years old, senile, had recently had a stroke, was drooling from his mouth, and thought he was in Maryland, not North Carolina. He asked for his hat as he departed that day, having to be told by defense counsel that it was already on his head.

Astonishingly, Dr. Brussel told Judge Dupree, in camera, that his findings were in total contrast to those of all other examiners -- and Judge Dupree promptly disallowed all psychiatric evidence at trial, claiming he didn't want a "battle of the experts."

Having effectively excluded all possible exculpatory evidence, much of which was yet unknown to the defense, the government succeeded in a conviction on all counts, resulting in three consecutive life sentences for Dr. MacDonald. Appeals followed on the basis of many issues, including speedy trial and due process grounds, prejudicial failure to admit the declaration against interest made by Helena Stoeckley, exclusion of the defense expert psychiatrist, after-discovered evidence, and recusal of the trial judge for bias. All appeals failed, including recusal.

Unless we can get to the heart of the reasons for some of the coverups, Dr. MacDonald is without remedy. At this point, Dr. MacDonald has been fighting



for vindication for 18 years, and has been in prison for over twelve years. The defense believes, with strong evidence, he is innocent and wrongly incarcerated.

The defense case has been reinvestigated by two investigators since 1979. Ted Gunderson, retired FBI and former Special Agent-in-Charge of the Los Angeles, California FBI office, initially began in 1979, months after the convictions. He has, to this date, logged thousands of hours on the case, most of them unpaid. At present, he still works on the case, operating out of his Los Angeles, California office. It was Gunderson's work which produced the initial signed confessions from Helena Stoeckley, as well as later F.O.I.A. releases.

In 1982, new attorneys in the case retained Raymond Shedlick, Jr., a former New York homicide detective, who was based in Raleigh-Durham, North Carolina. He worked almost exclusively on the case for two full years. He, too, has logged countless thousands of hours on the case, corroborating facts, weeding out the lunatic fringe that often tries to associate with a case of this magnitude.

The investigations of these two renowned investigators has dovetailed into a coherent set of facts and witnesses, buttressed by forensic evidence, expert testimony and polygraph evidence, that clearly indicates the innocence of Dr. Jeffrey MacDonald and the guilt of Helena Stoeckley, Greg Mitchell and their co-assailants. Raymond Shedlick built on Ted Gunderson's initial confessions from Helena Stoeckley, and via F.O.I.A. material and new witnesses, they have constructed a scenario for the crimes that totally disproves, in real evidence, the hypothetical government scenario set forth at trial in 1979.

The following is a list of some major points and facts in the MacDonald case. Each point is documented many times by government files released under F.O.I.A. 13 years after the crimes and four years post-conviction.

1. The original crime scene was chaos. It was never secured in the first several hours. Upwards of 30 persons, including military police, neighbors and unidentified persons, wandered through the crime scene. Evidence is known to have been touched, moved, changed and destroyed.
2. Crucial evidence seen by C.I.D. investigators never appeared in later C.I.D. lab reports; additionally, crucial evidence favorable to MacDonald was left off government diagrams and charts used at trial in 1979. This includes most crucially both blood and fiber evidence from the living room end of the hallway, the location of Dr. MacDonald's struggle.
3. Evidence developed in 1980 by Gunderson and confirmed by both the F.O.I.A. material and the independent Shedlick investigation confirms

that the initial prosecutor in the case was James Proctor, son-in-law of Judge Dupree. Dupree was the trial judge who emasculated almost every bit of exculpatory evidence for the defense, and he remains, to this day, the judge on the case for any new evidence or appeals. James Proctor is the person who personally turned the investigation from Helena Stoeckley and co-assailants to Dr. MacDonald for the Department of Justice.

4. Much evidence is available to believe that a major investigator for the Army C.I.D. and his good friend, one of the local Fayetteville, North Carolina police lieutenants, were heavily involved in drug trafficking that included the importation of narcotics from Vietnam.

According to Helena Stoeckley, the lieutenant had used her over a period of time for sex, holding the threat of jail over her head for some drug-related offense. Stoeckley died in 1983, post-trial, allegedly of natural causes. She died at home, purportedly of a liver disease and pneumonia, but it was a sudden death, inconsistent with liver disease or pneumonia in a 32 year old person. She was home alone with her baby and it was her custom to seek help when she was ill, since she was a very attentive mother to her son. She did not seek help at this time but she had previously expressed to her friend and an investigator that she was ready to tell something that she knew was going to be a "major bombshell" about the MacDonald case. She had hesitated to do so before because she had asked for immunity and it had been denied. (Interestingly, a resident of Stoeckley's apartment building had seen two clean-cut men in suits who had asked for Stoeckley and hung around for about two days immediately prior to her death. A forensic pathologist was present at her autopsy, and if, in fact, Stoeckley had been the victim of foul play, it was undetectable on autopsy.)

5. The defense discovered that Dr. Brussel was not a "neutral examiner" at trial in 1979, as purported. F.O.I.A. records released in 1983 confirm that he was a "consultant" on the case from 1970 to 1971, until the time of the trial. He was, incredibly enough, consulted as an "expert" in LSD, and was brought into the case by William Ivory, C.I.D., the chief investigator in the case, who had been responsible for the "loss" of all the initial exculpatory evidence. Unbeknownst to the defense, from 1970 to 1979 Brussel had opined that Dr. MacDonald was a liar, a psychopathic, homicidal and that "hippies wouldn't have done the crimes" in 1970 because it wasn't haphazard enough. He reached his conclusion with his only source of information being C.I.D. agent William Ivory.

Clearly, then, his exam of Dr. MacDonald in 1979 not only was a sham, as Dr. MacDonald and his attorneys recognized in 1979, but it was also a fraud upon the court as well. Needless to say, Judge Dupree denied every review of these startling findings, a decision confirmed by the Fourth Circuit Court of Appeals, and cert was denied by the United States Supreme Court.

6. Regarding Helena Stoeckley: She initially made oral admissions of guilt in 1970 to Fayetteville, North Carolina police detective Prince Beasley. The C.I.D. was not interested enough to even interview her until ordered to do so by the Article 32 hearing officer, Col. Warren V. Rock, some six months after the murders.

Post-trial, once Ted Gunderson entered the case, he and Prince Beasley tracked her down and began extracting information of considerable value. Over the next two years, in signed and taped confessions, Helena Stoeckley named her co-assailants, described "insider" detail to Gunderson, and for the first time provided the real motive for the killings, i.e., anger at MacDonald for not being sympathetic to drug abusers, plus a fear he had turned in several users, a claim supported by other reputable Army personnel in sworn testimony.

7. Ted Gunderson's efforts didn't stop with Helena Stoeckley and her confessions. He began the investigations into her co-assailants and located significant corroborating witnesses. In addition, he had Helena Stoeckley polygraphed and had her examined by a forensic psychologist at UCLA, Dr. Rex Julian Beaber, who found her totally capable of recall, memory and accurate testimony.

8. Helena Stoeckley was polygraphed by a United States Army lead polygrapher, Robert Brisentine, in 1971. Mr. Brisentine felt the results corroborated Helena Stoeckley's involvement, that she was present at the crime scene, and that she knew the identity of the co-assailants. Mr. Brisentine was ordered by the prosecutor not to discuss his results with the defense, but he did so over their objections. His testimony was not heard by the jury due to a Judge Dupree ruling at the trial.

Ted Gunderson had Helena Stoeckley polygraphed again in 1982. The results confirm her complicity in the crimes.

9. Helena Stoeckley named, among others, Dwight Smith (a Negro male who oftentimes wore an Army jacket with E-6 sergeant stripes), Greg Mitchell and Shelby Don Harris as co-assailants. She admits to being

part of a drug-orientated "cult" that sacrificed animals and had a history of violence, including stabbings. The MacDonald murders involved her initiation into the Satanic cult.

10. The defense has approximately 40 witnesses who corroborated the admissions of guilt by Helena Stoeckley, Greg Mitchell, Shelby Don Harris, Dwight Smith and Cathy Perry. These witnesses had, variously, overheard the group before the killings, seen the group immediately prior to the killings, seen the group leaving the area of the MacDonald house at the time of the killings, and had seen the group in bloody clothing after the killings.
11. Most importantly, these witnesses corroborate the confessions of Helena Stoeckley, Greg Mitchell and Cathy Perry, as well as overheard admissions of guilt from two others of the group. The confessions of Helena Stoeckley and Cathy Perry are signed confessions. The confessions of Greg Mitchell was to multiple witnesses on several occasions under various circumstances.
12. Helena Stoeckley named Greg Mitchell as the person who personally murdered Colette. Found under Colette's fingernail was skin (now missing) and blood of the blood type of Greg Mitchell, not blood from Dr. MacDonald, who has a different blood type than either Colette or Greg Mitchell.
13. Insider information given by Helena Stoeckley to Ted Gunderson includes the presence of a rocking horse in one child's bedroom with a broken spring, a phone call from a now-identified individual, a barking German shepherd next door, the presence and type of jewelry box in the MacDonald bedroom, and the specific wounds on one of the children (stab wounds on her chest in the shape of an "S"; Helena Stoeckley stated the "S" was for "Satan"). Additionally, Stoeckley described vehicles used that night, and independent witnesses corroborate the presence of two of the vehicles (the Mustang and a cream-colored sedan).
14. Helena Stoeckley was told by C.I.D. investigators in 1972 to "let sleeping dogs lie" regarding her coming forth with new evidence in the case. This information corresponds with C.I.D. and prosecution hiding of the polygraph of Helena Stoeckley and prosecutor directions to an MP in 1970 not to volunteer information that he, as responding MP to the crime scene, had seen a woman in a floppy hat just blocks from the MacDonald home at 3:50 A.M. in freezing rain.

15. Requests for immunity for Helena Stoeckley were ignored in 1979 and 1982. She died in January 1983, shortly after contacting Fayetteville, North Carolina police detective Prince Beasley, saying she had urgent information for him. Before Beasley could arrange to get from North Carolina to South Carolina she was dead.

16. Helena Stoeckley, in 1970, frequently wore a blonde wig and boots and used candles for many reasons, including so-called "cult" ceremonies. Her group was involved in stabbings and animal sacrifices. She was seen to be in black mourning clothes on the day of the MacDonald funerals, and she had a wreath on her house at that same time.

There is ample corroboration of her association with Dwight Smith, Shelby Don Harris, Greg Mitchell, Cathy Perry and others in their group.

17. Helena Stoeckley made admissions of guilt in this case as early as 24 hours after the murders to Fayetteville, North Carolina police detective Prince Beasley, who was aware of her association with a black male who wore an Army fatigue jacket with sergeant stripes. Beasley was also aware she had a blonde wig and often wore boots. This information was transmitted to the C.I.D. on several occasions, yet no one from the C.I.D. investigated Helena Stoeckley for complicity in the crimes.

18. Importantly, Ted Gunderson began the F.O.I.A. requests in late 1979 and early 1980. He was stonewalled and rebuffed until 1983, at which point increasing congressional pressure finally opened the F.O.I.A. "gates" and long-suppressed documents began to be released. To this date, perhaps 10,000 pages of an admitted 90,000 have been released to the defense, but heavily censored.

In these pages, multiple crucial items of evidence favorable to Dr. MacDonald were discovered. These include:

- a. The loss of a piece of skin from under Colette's fingernail. This loss was hidden for 13 years.
- b. The intentional discarding of seven fingerprints of unknown persons at the crime scene, the reason being, "they kept getting mixed up with the known prints."
- c. The loss of a bloody, half-filled syringe from the crime scene, important because it corroborated an assailant confession.

- d. Hiding from the defense the discovery of writing on the wall of Helena Stoeckley's apartment in which the "G" matched, according to one of the government investigators, the "G" in the word "PIG" written in blood on the headboard in the MacDonald master bedroom.
  - e. The fact that a witness in the case was given bloody clothing and boots from Helena Stoeckley shortly after the crimes and told to hide them from the police. These were turned over to the Army C.I.D. and later returned to the witness. Today, the prosecution claims they were "negative" for blood, but has refused to produce any lab tests or reports to corroborate this statement.
  - f. It was discovered that the federal agents knew Helena Stoeckley was a reliable informant, including involvement in internal affairs investigations for the Nashville Police Department after the murders. This is important because the prosecution successfully kept evidence regarding Helena Stoeckley from the jury by arguing she was unreliable while simultaneously hiding the evidence of her reliability from the defense. (The ruling judge, of course, was Judge Dupree, whose son-in-law had "dismissed" Helena Stoeckley in 1970-71.)
19. The C.I.D. never had Dr. MacDonald review any suspects by line-up, nor did they construct police artist sketches of the assailants. Importantly, the FBI did voice-record several suspects, but the C.I.D. refused to allow Dr. MacDonald to listen to these recordings.

The defense, finally, during the initial 1970 investigation, had police artist sketches drawn. These were done in the summer of 1970 by a police artist from Philadelphia, Pennsylvania, and are labeled #1, #2, #3, and #4 (attached). In 1979, while under forensic hypnosis performed by a medical doctor, and while being questioned by a former FBI man who worked with hypnosis, another police artist from Los Angeles, California resketched the assailants. These drawings are labeled #5, #6, #7 and #8 (attached). The prosecution claims that Dr. MacDonald described different persons can be compared to the two groups of drawings, and you may draw your own conclusions.

20. The descriptions given by Dr. MacDonald in 1970 minutes after being resuscitated by an MP and later memorialized in the two sets of police sketches fit the group of persons around Helena Stoeckley.

21. Dr. Thomas Noguchi, world-renowned forensic pathologist, has studied the evidence extensively and has determined that multiple assailants were involved, and that one of them was most likely left-handed. Greg Mitchell was left-handed; Dr. MacDonald is right-handed.
22. Jeffrey MacDonald has passed, conclusively, a polygraph administered to him by Dr. David Raskin, one of the world's foremost polygraphers. (An "indeterminate" polygraph was performed on Dr. MacDonald by Joseph Reid in 1970. Upon review of the test, polygraphers and forensic psychiatrists feel the "indeterminate" status was due to the confusion in Dr. MacDonald's mind over the guilt he felt at not having been able to save the lives of his family.)
23. All legitimate forensic psychiatrists who have examined Dr. MacDonald (five) have argued that he is sane, normal, shows no psychopathology, and appears to be truthful.
24. The FBI questioned Greg Mitchell in 1982. Shortly after that, Mitchell requested money and help from friends to leave the country because he had been involved in "serious crimes." Mitchell confessed involvement in the MacDonald killings both at a drug detoxification center in 1971-72 and also to friends ten years later after being interviewed by the FBI.
25. During the autopsy in 1970, hairs were found in Colette's hand. The C.I.D. forcibly assaulted Dr. MacDonald's attorneys and forcibly removed 12 hair samples (head, chest, groin, arms, legs) from Dr. MacDonald in June 1970 while he was in custody.

However, the hair report from the C.I.D. lab was inexplicably "delayed," then "misplaced" by the C.I.D. agent Grabner in the evidence safe. Investigation during the Article 32 hearing revealed the delay was to enable the prosecutors to try to pressure the C.I.D. lab at Fort Gordon to change the report. It turned out the original report said the hair in Colette's hand was "dissimilar" to Dr. MacDonald's hair. The second, changed, hair report implied not enough samples had been taken from Dr. MacDonald to be sure of the results. The C.I.D. "resolved" this series of astonishing events by exhuming the bodies of the family four years later and having FBI agent Paul Stombaugh swear under oath to the federal grand jury that the hair in Colette's hand was her own. Of course, all forensic hair experts know it is scientifically impossible to match hair in an individual -- all that can be said is "similar" or "dissimilar."

26. In 1970, Dr. MacDonald described the female assailant as carrying light, possibly a candle, since the light was flickering on her face. Later it was determined that the C.I.D. "held up," again, wax dripping reports from the crime scene. These crucial wax reports state unequivocally that no candle in the MacDonald house matched the wax drippings - some of which were in the bedding of Kimberly, the five year old child.
27. Dr. MacDonald suffered multiple wounds in the assault. Observers, including many physicians, confirm he suffered multiple ice pick and knife stab wounds and blunt trauma to his head and left shoulder/arm. One stab wound penetrated his right chest, collapsing his lung and narrowly missing his liver. Other stab wounds and lacerations were in his abdomen, arm, hand and left chest. Examining physicians and experts testified at least one wound was life threatening, and no one, including a physician, could know the consequences of the wounds.

A document released in F.O.I.A. documents in 1983, an important letter from a C.I.D. colonel to J. Edgar Hoover, documents at least 17 stab wounds, plus other injuries to Dr. MacDonald. This information was later denied by prosecutors and writers in an attempt to strengthen their case in court and against appeals.

When Dr. MacDonald, lying next to his wife, was initially revived by MP Mica, his first words were about his children, his wife, and descriptions of his assailants.

No road blocks were initially established. No patrol was sent to approach the woman in the floppy hat seen only blocks away, despite numerous requests by MP Mica to do so.

Dr. MacDonald was treated with two separate chest tubes being surgically inserted into his chest to re-expand the lung. He was admitted to the intensive care unit and remained in the hospital 10 days, leaving only once, to attend the funerals of his family.

A psychiatric note in his chart at that time states "normal grief process continues."

28. Information was uncovered by investigators Ted Gunderson, Ray Shedlick and one of columnist Jack Anderson's investigators, Don Goldberg, that finally uncovered the person who made a phone call to the MacDonald house that night. Jimmy Friar made the call to locate "another Dr. MacDonald," actually Dr. Richard McDonald, and post



telephone operators in the early morning hours past 2:00 A.M. put him through to Dr. MacDonald's house. Friar recalls a woman answered, that he could hear a commotion in the background, and a male said, "Hang up the God-damned phone." In her confession, Helena Stoeckley used almost identical words to say what one of her male co-assailants said to her when she answered the ringing telephone.

29. Jan Snyder, a former neighbor of the MacDonalds now living in Ohio, furnished a statement advising that during the early morning hours of February 17, 1970, she looked out her window at 308 Castle Drive and saw a cream-colored automobile parked directly in front of 310 Castle Drive. She also saw a blue Mustang and a "military vehicle" (jeep). The last time she saw the vehicles they made a U-turn and were heading in the direction of Dr. MacDonald's home. This confirms information furnished by Helena Stoeckley. Snyder was interviewed by the C.I.D. for approximately five minutes the morning of February 17, 1970. She relayed this same information to the C.I.D. The C.I.D. agent said they would return to obtain a formal statement but never did.
30. Cathy Perry gave a confession to the FBI in 1984, prior to an upcoming movie on the case (in contrast to prosecutor statements that the confession was made after the movie). In her confession, she said she participated in the murders of a mother and two young boys in North Carolina in 1970. The government belittled her confession due to the discrepancies in the sex of the children, and because she said there was a flight of stairs in the home. In fact, there were two steps between the living room and hallway in the MacDonald home, and other portions of Perry's confession contained astonishing facts related to the crime scene, including trying to "inject" victims (missing bloody syringe), and that one of the children hid in a closet (hair torn out by the root was found in that location).
31. C.I.D. investigators on the case have admitted the direction of their investigation towards Dr. MacDonald was determined in the early morning hours of February 17, 1970, prior to any investigation of any leads. This direction was based on a theory that the living room scene was "staged," i.e., that the overturned furniture, an overturned flower pot and other lack of general disarray appeared to be "staged." It wasn't until six months later, during the Article 32 proceedings, that it was conclusively proved the elements of the "staged scene" theory were all incorrect, and much of the confusion was directly a result of crime scene changes made by on-the-scene personnel such as military police and ambulance attendants. Unfortunately, although the genesis of the theory

that Dr. MacDonald was guilty was not disproved, C.I.D. investigators would never again truly investigate the case in any neutral fashion.

32. There was a clearly documented "turf" war between the United States C.I.D. and the FBI for control of the crime scene and processing of forensic material. In effect, the Army C.I.D. froze out the FBI, and the FBI withdrew (formally on February 26, 1970, nine days after the murders, but in fact withdrawing by February 21, 1970, only four days after the crimes). This fiasco insured no civilians would ever truly be investigated, since the C.I.D. had jurisdiction only over United States Army personnel, i.e., Dr. (then Captain) MacDonald.

Additionally, this insured the less competent C.I.D. lab a chance to handle the forensic material, a move which turned out to be catastrophic, witness the lost, changed and ignored evidence of many types at the crime scene.

33. The list of destroyed or lost evidence handled by the C.I.D. is astonishing. It includes, among others:
- a. Fingerprints, at least seven, intentionally destroyed
  - b. Fingerprints "inadvertently" destroyed, such as at least two on the door of entry to the master bedroom used by the assailants
  - c. Bloody syringe -- now "lost"
  - d. Piece of skin -- now "lost"
  - e. Bloody clothing and boots -- now "lost"
  - f. Pajama bottoms of Dr. MacDonald -- now "lost"
  - g. Wet leaves and grass from inside the crime scene -- never collected
  - h. Blood evidence from the exact spot where MacDonald struggled with assailants -- hidden by prosecution (not recorded on crime scene chart at time of trial)
  - i. Fibers, crucial evidence from the exact spot where MacDonald struggled with assailants -- never collected

j. Bloody footprints in child's bedroom destroyed as C.I.D. agents tried to saw floor to transport to crime lab.

34. In addition, the C.I.D. was responsible for almost innumerable failures to follow up on legitimate leads, including leads of real value given to the C.I.D., each on several occasions. Clearly, their focus was Dr. MacDonald, and any evidence not consistent with their theory was discarded, ignored or changed.

Unfortunately, the small amount of investigation they did do was woefully lacking in completeness and in expertise. For instance, to this day large areas of the crime scene have never been processed for fingerprints. Crucial items, such as the flower pot and a baby bottle found near one child, were not processed for fingerprints.

And absurd events occurred in the crime scene, such as the theft of a wallet after the arrival of C.I.D. investigators; and VIP tours of the crime scene for high ranking "brass" prior to crime scene forensic investigations being performed.

The absurdity of the crime scene work is evidenced by an Esquire magazine, alleged by the prosecution to be important since it mentioned the Manson killings in California, and since it allegedly had blood on it. What the C.I.D. didn't make clear until years later was that the Esquire magazine had been picked up and looked at by multiple investigators at the crime scene, for a total of three days prior to the alleged discovery of blood on the magazine. It was only then (over a lab person's objecting statement that the magazine couldn't possibly be considered evidence) that the Esquire magazine was collected as "evidence" against Dr. MacDonald. The majority of the fingerprints eventually found on the magazine were, indeed, investigator prints, yet to this day an unidentified print remains from this "exhibit."

35. The government contends "fabric impressions" and blood stains on a sheet imply Dr. MacDonald, for whatever bizarre and unsupported reason, carried Colette to the master bedroom from one of the children's rooms.

Evidence uncovered by Raymond Shedlick, Jr. conclusively proves a witness in the house at the crime scene saw the sheet on Colette prior to crime scene photographs. Other witnesses saw Colette not under the sheet before and after those events. This evidence destroys any validity

in the fabric impressions, since a crime scene person was the individual who placed the sheet in contact with Colette, not Dr. MacDonald.

36. It is known from sworn testimony that the telephones were used by not only Dr. MacDonald but also by the MPs in calling for help. Therefore, someone at the crime scene wiped the phones clean while the investigators were there, contrary to the C.I.D. theory that Dr. MacDonald wiped the phones.
37. Similarly, witnesses at the crime scene have stated under oath they saw a knife with a bloody blade in the master bedroom. The C.I.D., however, states the blade was clean and says Dr. MacDonald was lying about removing a knife from Colette's chest. Obviously, with witnesses seeing a bloody knife at the scene after Dr. MacDonald was removed to the hospital, someone other than Dr. MacDonald wiped the blade. In fact, C.I.D. reports now released indicate blood smears on a towel that are consistent with a wiped blade.
38. No inventory was ever taken of the contents of the MacDonald house, and the C.I.D. admitted that it never thought to ascertain whether any jewelry was missing. Possible blood and an unidentified fingerprint were found on the jewelry box in the master bedroom. Two family heirloom rings are still missing. Dr. MacDonald learned about this loss later, in the five-month Army Article 32 hearing.
39. In 1982, Ted Gunderson submitted to the FBI a four-volume report containing his investigations to date. The response of the FBI was, unfortunately, not to consider Gunderson's work, but to attack the motives of Gunderson and retired police detective Prince Beasley, who cooperated in obtaining the initial Stoeckley confessions. Since that time, information has been developed from F.O.I.A. requests that the FBI conducted four separate investigations into of Gunderson after he entered the case as opposed to any real investigation into the evidence uncovered in the MacDonald case.

In 1982 an attempt was made by the FBI and DEA to frame Gunderson on a drug charge by utilizing a female informant as the instigator. She was paid \$2,000.00 over a six-month period and finally came to Gunderson and told him about the plot. Government agents wrote out questions the informant should ask prior to the informant making taped phone calls to Gunderson. The agents forgot to retrieve one of the notes and the informant furnished this note to Gunderson who has it in a

safety deposit box. Gunderson later learned that his telephones were tapped. He sued GTE and obtained an out-of-court settlement in 1989.

Gunderson was also the victim of a disinformation program. Government agents circulated rumors that he was a homosexual, suffering from mental problems, and trafficking in drugs.

Similar occurrences happened in relation to Prince Beasley and other witnesses who tried to come forward with new evidence.

40. The "pivotal" piece of evidence, according to the prosecution, in the entire case is the pajama top of Dr. MacDonald. Brian Murtaugh, a prosecution lawyer, asked Paul Stombaugh of the FBI laboratory, in 1974, to see if he could "match up 48 holes in the pajama top from ice pick thrusts with the 21 ice pick wounds in Colette's chest." The government theory, as bizarre as it sounds, is that for some reason Dr. MacDonald put his pajama top on Colette and stabbed her through the garment.

Not surprisingly, two weeks later, Stombaugh said, yes, he could match up 48 holes in the pajama top with 21 holes in Colette's chest. This became the infamous "pajama top experiment" that was so convincing to the jury.

The pajama experiment is a fraud. There are approximately 12 reasons why the pajama top experiment is false information, but perhaps the clearest is the government's own evidence. Stombaugh had determined with a microscope the "directionality," i.e., the exit and entrance, of 13 of the holes in the pajama top (by fibers broken one way). However, in order to comply with lawyer Murtaugh's request for "evidence," he had to ignore this proven directionality -- in fact, he reversed six of the 13 directions in order to "match up" the 48 pajama top holes with 21 wounds on Colette.

There are additional important reasons why the pajama top experiment is fraudulent, including Stombaugh ignoring Colette's pink pajama top; other wounds on Colette; and the massive discrepancy between the depth of wounds necessary in Stombaugh's experiment as opposed to the depth of wounds as determined by autopsy. Yet the pajama top experiment was seen by the jury and believed, and was admitted by Judge Dupree despite overwhelming evidence it was totally false. In essence, a man today sits in federal prison convicted by knowingly false and misleading

"evidence" manufactured in response to a lawyer's plea for "new evidence."

41. An unexplained doll head and feathers were found in the house. Gunderson, who is considered a satanic cult expert, advises that when satanists commit a murder they leave signs at the scene. Gunderson believes that the doll head and feathers and stab wounds on one of the children's chest were satanic signs.
42. Stoeckley stated her cult was active in a drug operation that was bringing drugs in plastic bags in the body cavities of the dead GIs from southeast Asia to the U.S. in military planes. Her cult murdered the MacDonald family without the permission of the leaders of this operation. The leaders, some of whom were in the military, were afraid that if the cult was identified as involved in the murders, it might expose the drug operation, so they framed Dr. MacDonald.

Today, there are roughly 40 witnesses who strongly corroborate Dr. MacDonald's version of events. This is in addition to the seven witnesses excluded at trial in 1979. Shockingly, the group he described existed, was drug and violence-oriented, was seen going to and coming from the house, was seen in bloody clothing, and fits his descriptions. Insider information and independently arrived at forensic information ties the group of assailants to the crime scene. And, most incredibly, three of the group of assailants have confessed, and other admissions of guilt were overheard by third parties. Dr. MacDonald has passed a polygraph and five legitimate forensic psychiatric examinations. He suffered multiple wounds in the assault, at least one of which could have been fatal.

The "evidence" convicting him in 1979 was simply "forensic" evidence of a confusing nature that did no more than place him in his own home on the night of the murders. There is no evidence that says he committed murder -- and there is voluminous evidence that points to the guilt of Helena Stoeckley, Greg Mitchell and their co-assailants. Yet, as of this date, Dr. MacDonald remains in federal prison, a victim of injustice of the worst sort.

Additional evidence was recently developed that further corroborates Dr. MacDonald's innocence. This evidence was presented in the U.S. District Court. Judge Dupree ruled in favor of the government. The decision was then appealed to the Fourth Circuit. They also ruled in favor of the government. An effort will be made to appeal this decision to the U.S. Supreme Court. See the following newspaper article for details.

1/7/92 + 75

JUSTICE

# 'Fatal Vision' Doctor Waits for Ruling on New Trial

MacDonald would be free today if fiber evidence in the 1970 killings had been presented, lawyers say.

By DAVID WILLMAN  
TIMES STAFF WRITER

Twenty-two years later, Jeffrey R. MacDonald still insists that he didn't do it. He didn't stab and club to death his pregnant wife, Colette, and their two young daughters early in the morning of Feb. 17, 1970, at Ft. Bragg, N.C.

MacDonald, a physician whose case was etched into the nation's consciousness with the 1980s book and television movie "Fatal Vision" is waiting again to hear whether the legal system will believe him. A panel of the U.S. 4th Circuit Court of Appeals in Richmond, Va., is expected to rule soon on his request for a new trial.

The request is based on evidence that MacDonald's lawyers, including Harvard Law School professor Alan M. Dershowitz, say is new.

"I am absolutely convinced of Jeffrey MacDonald's innocence," said Harvey A. Silverglate, MacDonald's lead attorney. "MacDonald wanted me to represent him in 1984, and I turned him down. When I looked at the evidence in 1989, I immediately agreed to take the case. This is the strongest habeas corpus petition I have filed in 25 years."

The Justice Department, in briefs signed by Criminal Division chief Robert S. Mueller III, rejects as insignificant the new evidence and urges denial of MacDonald's request for a new trial.

"[MacDonald] attacked his wife and family with makeshift weapons from his household, moved their bodies and rearranged the crime scene to comport with his version of Manson-type murders," says the Justice Department brief.

MacDonald, a Princeton-educated former Army captain, has told the same story since the hour he was questioned in his blood-spattered home. He and his family were attacked by four intruders, one of whom was a woman with dark clothing and flowing blond hair. One chanted: "Acid is groovy. Kill the pigs."

Now, MacDonald's lawyers contend that materials they have found through Freedom of Information Act requests

prove his innocence. These include notes revealing that dark woolen fibers were discovered in Colette MacDonald's mouth and that a 22-inch synthetic blond strand was found in the house.

Other notes, the lawyers say, show that human limb hair found in Colette's left hand was tested by a government examiner before trial and did not match that of Jeffrey MacDonald. A prosecution expert testified in 1979 that the limb hair at issue was too small to be of value.

If the evidence of the woolen fibers and the blond strand had been known earlier, MacDonald's lawyers assert, the trial judge might have allowed testimony that a woman named Helena Stoeckley claimed to a government investigator and six other people that she and three male companions committed the murders. Stoeckley died in 1983.

"If the original MacDonald jury had learned of the undisclosed forensic evidence and heard the testimony [related to Stoeckley], Jeff MacDonald would have been acquitted," said Roger C. Spaeder, a Washington lawyer and former assistant U.S. attorney now working for MacDonald's defense.

Silverglate also alleges that the government purposefully shielded laboratory notes and other evidence from MacDonald's original defense team.

The Justice Department denies those assertions and contends that some of the purportedly new information was, or should have been, known to MacDonald's previous lawyers. The government contends that the dark fibers in Colette's mouth "were forensically insignificant" and speculated that the 22-inch blond strand may have come from a doll.

Not in dispute is that 22 years ago, someone using an ice pick, two knives and a club killed Colette MacDonald and Kimberly, 5, and Kristen, 2. Jeffrey MacDonald was found at the scene with less severe stab wounds, including a partially collapsed lung.

In telephone interviews from an Oregon prison, MacDonald, now 48, says he still thinks of his wife and children. The memories, he said, can be worst during April and May—on their birthdays.

"I try to aim at the next achievable goal," said MacDonald, called "Doc" by other inmates. "... There's a comfort deep within me, because I know the truth. I know I'm innocent."

## Profile: Jeffrey R. MacDonald



Age: 48

Residence: Federal prison, Sheridan, Ore.

Former occupation: Emergency physician

### Case background:

Feb., 17, 1970: Colette MacDonald and the two MacDonald children, Kimberly, 5, and Kristen, 2, are killed.

October, 1970: The Army ends its formal investigation into the killings with no charges being filed.

1971: MacDonald works at St. Mary Medical Center in Long Beach, earning praise for his long hours and care for indigent patients. He lives in Huntington Harbour.

1976: The doctor is indicted in the deaths of his wife and children.

1978: MacDonald is convicted on one count of first-degree murder and two counts of second-degree murder.

1980: The U.S. 4th Circuit Court of Appeals reverses the conviction, finding that the right to a speedy trial was violated. MacDonald is freed.

1982: The U.S. Supreme Court reinstates MacDonald's conviction, and he is imprisoned immediately.

1991: The doctor's request for a new trial is denied by the federal district judge who oversaw the 1979 trial.

1992: MacDonald, now in a medium-security prison in Oregon, seeks a new trial.

FAYETTEVILLE OBSERVER 9-5-97  
NO NEW TRIAL

# MacDonald appeal denied

A staff and wire report

**RALEIGH** — A federal judge has rejected the latest attempt to reopen the murder case of Jeffrey MacDonald, a former Army surgeon convicted in the 1970 slayings of his wife and children at Fort Bragg.

U.S. District Judge James Fox of Wilmington issued the 30-page order Wednesday, saying arguments by MacDonald's lawyers were not compelling enough.

In rejecting the request, Fox said he was bound by law to transfer the request to the 4th U.S. Circuit Court of Appeals in Richmond, Va., which will have 30 days to decide whether to give MacDonald a new trial.

MacDonald said Thursday that he's not optimistic about winning there.

"It's a rubber stamp," MacDonald said during an

**See MacDonald, Page 4A**

## MacDonald

From Page 1A

interview from a federal prison in Sheridan, Ore.

"We'll deal with 4th Circuit," he said. "At the end of that, we'll figure out where we go from there."

MacDonald, 53, is serving three life sentences for the Feb. 17, 1970, slayings of his pregnant wife, Collette, and daughters Kimberly and Kristen at their home. He was convicted after a 1979 trial, but has maintained he is innocent. He is eligible for parole, but won't be freed because he refuses to admit his guilt and remorse.

The murders became the subject of a television movie and the best-selling book "Fatal Vision."

In April, MacDonald's lawyers said in the motion for a new trial that hair fiber evidence was withheld from MacDonald's defense

team during his trial and at a later hearing for a new trial in 1990.

MacDonald's lawyers also said FBI specialist Michael Malone gave misleading information about fiber evidence. The judge who rejected the 1990 request for a new trial relied on the fiber evidence for his decision.

The motion said handwritten notes in government files back up MacDonald's story that intruders, including one with blond hair and a floppy hat, broke into his Fort Bragg home and killed his wife and daughters.

Justice Department lawyers had argued that MacDonald has no basis for an appeal because the evidence cited by his lawyers was insignificant in his conviction.

"Look, let's face it here, the

whole game is defending the FBI," MacDonald said.

Jim Blackburn, the U.S. attorney who led the prosecution, said MacDonald was exploiting recent revelations of problems at the FBI lab.

Lucia Bartoli, a friend of MacDonald's who does research for his legal team, said supporters' hopes now focus on a push by some Washington lawmakers for a closer look into FBI lab practices.

"I'm a sacrificial lamb so that the FBI lab could continue to do whatever they want, whether it's right or wrong," MacDonald said. "We're all devastated today. But that doesn't mean we're going to stop fighting. That's what they're hoping for."



## Subject of 'Fatal Vision' Book Loses Appeal for a New Trial

*Special to The Times*

**R**ICHMOND, Va.—Jeffrey R. MacDonald, whose murder case inspired the best-selling book "Fatal Vision," on Tuesday lost his bid for a new trial.

A three-judge panel of the U.S. 4th Circuit Court of Appeals ruled unanimously that newly identified evidence raised by MacDonald's lawyers "neither supports MacDonald's account of the murders nor discredits the government's theory" of how the killings occurred.

MacDonald's wife, Colette, and their two daughters were clubbed and stabbed to death on Feb. 17, 1970, in the family's home at the Ft. Bragg, N.C., Army base. MacDonald, a physician, was convicted of the crimes in 1979 and freed by an appellate court in 1980. But went back to prison in 1982 when the Supreme Court reinstated his convictions.

"I don't know what to say," MacDonald said in a telephone interview from a federal prison in Sheridan, Ore. "It's outrageous. . . . It's very tough to get justice in this country."

In an 11-page decision, Judges David Russell, Francis O. Murnaghan Jr. and John D. Butzner Jr. said that the new evidence—hair, wool and synthetic fibers that MacDonald's lawyers suggest back his claim that a gang of hippies killed his family—"simply does not escalate the unease one feels with this case into a reasonable doubt" of his guilt.

THOMAS T. NOGUCHI, MD

1110 Avoca Avenue  
Pasadena, California 91105-3403  
(818) 441-1506

September 4, 1986

Re: Medicolegal opinion on the case of Jeffrey R. MacDonald, M.D.

Based on my review of the autopsy reports, photographs, investigative reports and at scene photographs and review of the case by other, the following is my opinion and medicolegal interpretation of the wounds and injury patterns.

Collette MacDonald:

1. Three types of weapons were involved in the attack on Collette:
  - a. a blunt object with a square contact area
  - b. a knife
  - c. an ice pick-like piercing object.
2. The wounds were inflicted while she was alive.
3. The three types of wounds were inflicted within in a short interval of time.
4. The blunt force injuries are on the right side of the face indicating the assailant was left handed.

Kimberley MacDonald:

1. Two types of weapons were involved in the attack on Kimberley:
  - a. a blunt object with flat surfaces
  - b. a knife
2. The wounds were inflicted while she was still alive.
3. Most of the injuries are found on the right side of the body.
4. The blunt injury to the right side of the face was inflicted first.
5. The blunt force injury was delivered by a left handed person.
6. The wounds were inflicted within a short interval of time.

Kristen MacDonald:

1. Two types of weapons were involved in the attack on Kristen:
  - a. a knife
  - b. an ice pick-like piercing object.
2. The injuries were sustained while she was still alive.
3. The ice pick type wounds were inflicted first followed by the stab wounds on the chest.
4. The stab wounds in the back were inflicted after the injuries to the front. Lastly, additional ice pick type wounds were inflicted on the chest as she was dying.
5. There are linear wounds on the neck which appear to have been caused by a constrictive force delivered by a ligature, such as a thin rope or a heavy string.

Based on the sequence of injuries and the types of injuries on the three deceased, my opinion is that multiple assailants, at least one of whom is left handed, carrying a blunt object, knife/knives, and an ice pick type object, are involved. They appear to have coordinated their activities.

*Thomas T. Noguchi MD*

## PRESS RELEASE

Dr. David C. Raskin, a professor at the University of Utah and one of the leading polygraph experts in the country, recently performed a polygraph (lie detector) test on Dr. Jeffrey MacDonald at the federal correctional institution in Phoenix, Arizona. Dr. Raskin asked Dr. MacDonald the following questions:

Did you inflict any of the injuries which resulted in the deaths of your wife and children?

Answered "No."

Did you yourself directly cause the deaths of your wife and children?

Answered "No."

Did you arrange with or directly assist anyone to cause the deaths of your family?

Answered "No."

Dr. Raskin concluded that Dr. MacDonald gave truthful answers to all of these questions and was, in fact, telling the truth when he stated that he did not kill his family.

Dr. Raskin has testified before the Senate, acted as an expert in the Patricia Hearst and DeLorean cases, and is recognized as a pioneer in using computer analysis of polygraph results so that the operator's subjective feelings do not enter into the analysis of the results. Using all of the above described methods, Dr. Raskin is convinced of Dr. MacDonald's innocence.

Dr. Raskin also consults with several government investigatory agencies as an expert in the polygraph, including the Central Intelligence Agency and the Federal Bureau of Investigation.

SIMILARITIES BETWEEN THE TATE AND MACDONALD  
MURDER CULTS:

- 1) BOTH CASES INVOLVED THE USE OF DRUGS BY SLAYERS DURING THE MURDERS.
- 2) IN BOTH CASES, THE VICTIMS WERE EITHER USING, OR WERE CONNECTED WITH DRUGS. DRUGS WERE FOUND AT THE TATE HOME. DR. MACDONALD WAS INVOLVED WITH THE TREATMENT OF ADDICTS.
- 3) BOTH CASES INVOLVED "CULTS" THAT WERE INTO SATANISM AND RITUALISTIC DEATH RITES.
- 4) IN BOTH INCIDENTS, BLOODY OATHS WERE WRITTEN AT CRIME SCENE USING THE BLOOD OF THE VICTIMS.
- 5) BOTH CRIMES INVOLVED THE PARTICIPATION OF A FEMALE OBSERVER WHO DID NOT TAKE PART IN THE KILLINGS.
- 6) BOTH CASES INCLUDED VICTIMS THAT WERE EITHER DIRECTLY OR INDIRECTLY RELATED TO PROFESSIONAL MILITARY PERSONNEL. TATE'S FATHER WAS A RETIRED OFFICER.
- 7) BOTH CRIMES TOOK PLACE DURING THE EARLY MORNING HOURS.
- 8) IN BOTH INSTANCES, THE MURDERERS RETURNED TO THE SCENE IMMEDIATELY OR SHORTLY AFTERWARDS. MANSON RETURNED TO THE TATE RESIDENCE, TWO HOURS AFTER THE KILLINGS.
- 9) BOTH KILLINGS INVOLVED PREGNANT WOMEN. SHARON TATE AND COLETTE MACDONALD.
- 10) BOTH CASES HAD MORE THAN THREE MURDERERS AT THE SCENE.
- 11) BOTH SLAYINGS INVOLVED "HIPPIE" TYPE KILLERS.
- 12) IN BOTH INCIDENTS, ROBBERY WAS NOT CONSIDERED A MOTIVE. MANY VALUABLES WERE LEFT BEHIND IN EACH INSTANCE.
- 13) IN BOTH CASES, THE NON-PARTICIPANT FEMALE WAS RESPONSIBLE FOR BRINGING THE FACTS OF THE MURDERS TO LIGHT BY LATER TELLING PRISON INMATES OF HER INVOLVEMENT.
- 14) IN BOTH CASES THE PRIMARY DEATH WEAPON WAS A KNIFE USED REPEATEDLY IN A RITUALISTIC MANNER.
- 15) IN BOTH CASES, THE "CULT" IS SUSPECTED IN OTHER LOCAL MURDERS.
- 16) IN BOTH CASES THE "CULT" HAS REMAINED INTACT OVER THE YEARS, AND IS ACTIVE IN THREATENING MEMBERS AND NON-MEMBERS SHOULD THEY TESTIFY IN REGARDS TO THE MURDERS.

- 17) IN BOTH CASES, THE "CULT" MEMBERS REMAINED TOGETHER IMMEDIATELY AFTER THE MURDERS AND MET AT A SINGLE LOCATION. MACDONALD'S KILLERS AT THE HICKORY TRAILER PARK, TATE'S AT THE SPAHN RANCH IN RURAL SYLMAR, CALIFORNIA.
- 18) IN BOTH CASES, THE MURDERS WERE PLANNED WELL IN ADVANCE, AND WERE NOT IMPULSE KILLINGS, OR CRIMES OF PASSION, THAT HAPPENED "HEAT OF THE MOMENT".
- 19) IN BOTH CASES, NEIGHBORS NOTICED "UNUSUAL BEHAVIOR" BEFORE, DURING AND AFTER THE MURDERS, BY "PERSON OR PERSONS UNKNOWN". IN EACH INSTANCE, THE NEIGHBORS NEGLECTED TO REPORT THIS TO POLICE UNTIL THEY WERE LATER QUESTIONED.
- 20) IN BOTH CASES, THE KILLERS CHANTED AND LAUGHED DURING THE CRIMES.
- 21) IN BOTH INSTANCES, VALUABLE EVIDENCE WAS NEGLECTED OR ALTERED BY ARRIVING INVESTIGATORS WHO SHOULD HAVE KNOWN BETTER.
- 22) BOTH HUSBANDS SURVIVED.
- 23) TATE WAS HUNG. ONE OF THE MACDONALD CHILDREN HAD ROPE OR CORD BURNS ON HER NECK (SHE WAS POSSIBLY HUNG).

TO: DEFENSE TEAM

FROM: JEFF MACDONALD

SUBJECT: CASUAL COMPARISON OF "HELTER SKELTER" BY VINCENT BUGLIOSI AND  
FACTS IN MACDONALD CASE

NOTES FROM READING "HELTER SKELTER"-----*NOT EXHAUSTIVE: NOT COMPULSIVELY  
DONE*

A FEW SIMILARITIES IN TATE/LA BIANCA INVESTIGATIONS AS OCCURRED IN  
INVESTIGATION AT 544 CASTLE DRIVE:

*PLEASE NOTE: All pages are reference paperback "Helter Skelter" by Vincent  
Bugliosi.*

1. pg. 14: Officer DeRosa obliterates fingerprint on gate (multiple examples in MacDonald case)
2. pg. 17: Investigator tracks on scene confusing----just like mud/water at 544 Castle Drive. Difference: Tate/La Bianca investigators immediately questioned crime scene people
3. pg. 18: Multiple omissions of blood typing
4. pg. 22: Plastic bags put on hands---not done in MacDonald case
5. pg. 26: "Nothing Stolen"---pseudo-inventory taken within days. In MacDonald case, no inventory for 6 months
6. pg. 27: "Theory" immediately made by investigators that blinded investigators from then on, i.e. "Drug sale"
7. pgs. 46-47: SGT. Buckles ignores key lead. Similar to many examples in MacDonald case, i.e., girl in floppy hat, Beasley stopping Helena Stockley, etc.
8. pg. 75: Peter Hunkoe---Psychic (Ted Gunderson's friend from Canada in MacDonald case)

9. pg. 88: Truman Capote quoted on case. He was wrong. Just as he was when he was quoted on TV talk show in 1970, one day after MacDonald appearance on Dick Cavett Show (Capote also on Dick Cavett next day.)
10. pg. 93: Col. Tate forays into underworld---similar but more extensive than attempts by MacDonald (with Col. Kingston) and Kassab
11. pg. 92-93: Rewards offered---similar to our multiple newspaper ads---both (Tate/La Bianca & MacDonald ads) developed many leads
12. pg. 102: Susan Atkins stabbed others---just as did Cathy Parry (Williams)
13. pgs.100-104: Cops ignore multiple leads to "The Family" (Manson Family)
14. pgs. 108-109: Cops question Manson---he makes simple denial ("No")---that it as far as cops went. Similar to Ivory interviewing Helena Stoeckley, and similar to the CID interview of her group
15. pg. 226: Various accounts of stabbing not consistent. Very similar to Cathy Parry/Helena Stoeckley differences
16. pg. 397: Mary Brunner repudiates her own testimony several times, as did Susan Atkins, and as did Helena Stoeckley in the MacDonald case
17. pgs. various: Leader not present at crime scene in Tate and only present short time at La Bianca crime scenes. Similarly, Maxzerolle in jail and "Candy" not at crime scene in MacDonald case
18. pg. 460: Blood "expert" (Joe Grando), who screwed up the blood work moves from LAPD to FBI!!! Lab "experts" in MacDonald case who fouled up evidence mixture of CID (Medlin, Chamberlin, etc.) and FBI (Stombaugh and Green)
19. pg. 466: Discussion of "normal" absence of fingerprints of intruders at crime scene by Bugliosi---I believe Susan Atkins never left fingerprints at crime scenes in Tate/LaBianca. We'll never know in MacDonald case, because so many fingerprints were destroyed and crime scene so poorly dusted for prints

GENERAL THOUGHTS:

20. Multiple weapons used in both cases
21. Situation of group violence with "leaders" and "followers"
22. Ritual type killings to some extent in each
23. Mental instability in both groups---i.e. Susan Atkins and "Clem" in Manson crowd, Cathy Perry and Helena Stoeckley in Stoeckley crowd
24. Many witnesses eventually found who saw/heard group coming and going in each case
25. Senselessness of the killings in each case
26. Partial knowledge of layout of home, etc. in each case, i.e., Manson had been to Tate residence several times. At least Helena Stoeckley had been to MacDonald home, she said
27. Words written at crime scene in blood
28. Egregious legends built up by press in both cases, i.e., "drug trip" in Manson case (denied by Bugliosi); "hoods" on victims in Manson case.  
  
In MacDonald case: term "hippie" used by Col. Kriwarnek/Press, not by MacDonald. Later on, false info extended to: MacDonald wounds, amphetamines and false government story of roadblocks and manhunt for the assailants
29. Association of each group with drug use, including but not limited to, LSD and mescaline
30. Poor autopsies performed in MacDonald case. In Tate/La Bianca, those overseen by Dr. Noguchi were well done; those done by assistant coroner were poorly done (or at least testimony was poor.)
31. Connection of assailants to widespread group of social misfits/dropouts/dopers with violence and abuse part of their life. Drug informers present in both groups
32. A few good cops in each case who tried to do right thing: Inyo County cops and two of La Bianca detectives in Manson cases; Prince Beasley in MacDonald case. Majority of cops sloughed off and simply went thru actions after making initial decision as to "probable assailants"



The Washington

## Merry-Go-Round

By JACK ANDERSON  
with Les Whitten

WASHINGTON — The Justice Department has used outrageous stalling tactics to deny Dr. Jeffrey MacDonald his legal right to see the government's files on himself. After more than three years of trying, MacDonald has yet to receive a single page of the department's 90,000-page file.

MacDonald was a Green Beret doctor at Fort Bragg, N.C., in 1970 when his pregnant wife and two daughters were brutally murdered in their home. MacDonald claimed that a drug-crazed "hippie group" killed his family and seriously wounded him. An Army investigation cleared him.

But the Justice Department, at the urging of MacDonald's father-in-law, pursued the case. Nine years after

the crime, the doctor was brought to trial. Evidence that he believes could have exonerated him was withheld, and he was found guilty. He is now serving three consecutive life sentences for crimes he insists he did not commit.

Convinced that the government had information that supports his claim of innocence, MacDonald requested his files under the Freedom of Information Act in January 1980. He told my associate Donald Goldberg he believes the files also contain proof of government misconduct that prejudiced his case.

The Justice Department put him on a waiting list, informing him that there were 125 requests to be processed ahead of his. Last June, nearly two-and-a-half years after his initial request, he got a letter from the Justice Department — asking if he was still interested.

Despite the law's requirement that FOIA requests be handled as quickly as possible, Justice assigned a single employee to review the 90,000-page file. Officials said there was no way they could speed up the process.

MacDonald's attorneys offered to pay for copies of the file so that processing could be done more quickly. The Justice Department did not accept the offer.

Rep. Don Edwards, D-Calif., wrote to Attorney General William French Smith on MacDonald's behalf. "I would request that steps be taken to speed this process so as to achieve the purpose of the Act in this case," Edwards wrote. "Given the significance of the statutory rights involved in the MacDonald case, more diligent attention should be given to fulfilling the Department's responsibilities ..."

MacDonald did a little better with the FBI — but not much. He has received 39 of the 1,143 pages of documents on him in the FBI files. However, the 39 pages consist almost entirely of newspaper clippings and press releases.

The FBI's reason for hanging onto the rest of MacDonald's file is confusing, to say the least. The bureau admittedly has no ongoing investigation as such. But according to FBI Director William Webster, "This case remains in a pending status, with the FBI currently making inquiries as specifically requested by the U.S. Department of Justice."

Congressman Edwards questioned the FBI's assertion in his letter to the attorney general. "In light of the facts that Dr. MacDonald was convicted in 1972 and that the Supreme Court denied .... his final appeal," Edwards wrote, "it appears that the position taken by the Bureau is in error, as well as at odds with the position of the Department of Justice."

In short, through unconscionable stalling and specious reasoning, the Justice Department and the FBI are keeping MacDonald from seeing his files. What is the government afraid of?

# WALL STREET JOURNAL

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WEDNESDAY, APRIL 16, 1997

## Strand of Evidence

### FBI Crime-Lab Work Emerges as New Issue In Famed Murder Case

Jeffrey MacDonald's Lawyer Alleges Fraud by Agent With History of Problems

Mystery of the Blond Fibers

By LAURIE P. COHEN

Staff Reporter of THE WALL STREET JOURNAL

It has been nearly two decades since former Army surgeon Jeffrey MacDonald was convicted of murdering his wife and two daughters in their Fort Bragg, N.C., home. This is the story that was told in Joe McGinniss's best-seller "Fatal Vision," dramatized on television, chronicled in hundreds of newspaper articles and examined in a dozen judicial opinions.

Why it warrants attention again is quite a different story: one that involves a longtime star of the once-fabled FBI Laboratory and a Boston criminal-defense lawyer who is still seeking to overturn Dr. MacDonald's conviction.

Whatever the truth about Dr. MacDonald's guilt or innocence, a close examination of his long-moribund case raises serious concerns about the FBI crime lab, which is already under scrutiny for allegedly biasing its findings to favor prosecutors over criminal defendants.



Jeffrey MacDonald

Yesterday, the Justice Department inspector general issued a long-awaited report on the Washington-based lab; while very critical of the accuracy of some of its work, the inspector general said he could find no instances of perjury or fabricated evidence. (See related article on page A10.) The report made no mention of FBI Special Agent Michael P. Malone's pivotal role in keeping Jeffrey MacDonald behind bars, but it rebuked him sharply in an unrelated matter.

The MacDonald saga was already old and exceedingly tired when lawyer Harvey Silverglate took over the appeal in 1989, at Dr. MacDonald's request. The two men had been contemporaries at Princeton University in the early 1960s but had pursued very different callings. Mr. Silverglate, scruffy and left-leaning, had attended Harvard Law School and then gone on to defend draft resisters, student protesters and Black Panthers. More strait-laced, Jeffrey MacDonald had obtained a medical degree, joined the Army and become a Medical Corps captain. "If we had met Jeffrey in 1968, we would have hated him and he would have hated us," says Elsa Dorfman, Mr. Silverglate's wife.

But, in 1989, the MacDonald case intrigued Mr. Silverglate. From the start, Dr. MacDonald had claimed that his family had been clubbed and stabbed to death by a drug-crazed band of hippies, led by a woman wearing dark clothing, a floppy hat and a long, blond wig and chanting "acid is groovy, kill the pigs." He said he had been awakened by the screams that night in February 1970 and been stabbed — though mostly superficially — by the assailants. But physical evidence of any intruders was scant, and neither a jury nor, ultimately, onetime supporter Joe McGinniss, had believed him. All his appeals had failed, and he was serving his life sentence in a Sheridan, Ore., prison.

Yet buried in the voluminous appellate-court file were documents that Mr. Silverglate felt were tinged with mystery and promise. Dr. MacDonald's lawyers hadn't been aware of them at trial, and they had only been uncovered by a later team of defense lawyers through a Freedom of Information Act request.

The documents were handwritten lab notes made by a former Army investiga-



Michael Malone

tor, whose cryptic jottings suggested that she had found a 22-inch blond synthetic fiber in a hairbrush in the MacDonald home shortly after the murders. Could this be a hair from the blond wig of the alleged hippie leader? Why was it withheld from the jury? The questions were tantalizing enough to draw Mr. Silverglate into the case, unpaid.

Working out of a townhouse overlooking Boston Harbor, he quickly dug into the evidence and by October 1990 was ready to bring the case back to court. He asked U.S. District Judge Franklin Dupree, the same Fayetteville, N.C., judge who had tried the case in 1979, to grant a new trial. His argument: There now was new evidence — the blond hair mentioned in the investigator's lab notes and some additional dark fibers that might have come from an assailant's clothing. These, he claimed in his court papers, potentially corroborated Dr. MacDonald's story but had been suppressed by the government during his trial.

The hair, Mr. Silverglate suggested, might have belonged to Helona Stoeckley, who at the time of the murders was a 19-year-old Fayetteville resident and heavy drug user who had admitted that she

Please Turn to Page A10, Column 1

*Continued From First Page*

owned and wore a blond wig and at times had confessed to being involved in the crime. (Other times, she said she took too many drugs to remember — and the judge had ruled her testimony inadmissible.) She died in 1983.

To evaluate these materials for the government, the prosecution in 1990 brought in Special Agent Malone, then the top hair-and-fiber examiner in the Federal Bureau of Investigation crime lab and a near-legend among prosecutors for his powerful performances as an expert witness.

In reviewing the evidence, Mr. Malone discovered two additional blond strands, one 24 inches and one 9 inches long. He determined that the dark fibers were ordinary household debris and that the synthetic hair — made of a substance known as saran — came from dolls that had been owned by the MacDonald girls. He further asserted in an affidavit that the saran fibers were "not consistent with the type of fibers normally used in the manufacture of wigs."

When defense lawyers pointed out that the government hadn't proved the synthetic fibers actually came from dolls, Mr. Malone offered another, more detailed, affidavit, dated May 21, 1991. In it, he said he had consulted "numerous standard references which are routinely used in the textile industry and as source material in the FBI Laboratory" and that "none of these standard references reflect the use of saran fibers in cosmetic wigs." A reason, he suggested, was that saran couldn't be made in the "tow" — or clumped — form essential to the manufacture of human wigs.

He summed up by saying, "In the absence of any evidence to the contrary, I conclude that the . . . blond saran fibers in this case are not cosmetic wig fibers."

Mr. Malone's willingness to reach such an unequivocal conclusion was a hallmark of his work, and it had already made him a controversial figure among forensic scientists. He didn't respond to repeated requests, by phone and in writing, to comment for this article.

Physically imposing at 6 feet 3 inches and a muscular 200 pounds, Mr. Malone had joined the FBI in 1970 and entered the bureau's crime lab four years later. Prosecutors quickly came to love him, or at least the testimony he provided. Though forensic specialists maintain that hair testimony is seldom definitive — and is far less reliable than fingerprints — Mr. Malone consistently projected a higher degree of certainty.

A *Wall Street Journal* review of more than a dozen of his past cases shows that, in trial after trial over a period of years, Mr. Malone gave nearly the identical assurances to juries about the reliability of his hair identifications. Regardless of the year, he routinely said he had examined the hairs of "10,000 people" in his career. Then he asserted that there had been only two occasions — later he said three — "in which the hair from two different people was so similar that it couldn't be distinguished."

Mr. Malone was so effective in winning convictions that Florida state prosecutors would bypass the more-cautious state hair examiners and rely on the FBI instead, according to Deborah Lightfoot, a crime-lab examiner for the Florida Department of Law Enforcement.

But questions were already being raised about whether his self-assuredness was justified. In both 1987 and 1988, Florida appellate courts overturned guilty verdicts — citing insufficient evidence — in cases in which Mr. Malone had testified for the prosecution. In the 1988 case, Mr. Malone had told jurors that the chances were "almost non-existent" that hairs found on the victim originated from anyone other than the defendant. In ordering the defendant's acquittal and immediate release from



*Harvey Silverglate*

prison, the court wrote: "We do not share Mr. Malone's conviction in the infallibility of hair-comparison evidence. Thus we cannot uphold a conviction dependent on such evidence."

Also in 1988, with Ms. Lightfoot working for the state, defense lawyers took the unusual step of calling her as a witness in a separate murder case involving Mr. Malone's testimony. She told the jury that a particular hair couldn't be linked definitively to the defendant, despite Mr. Malone's confident assertion that it could. She had never testified for a defendant before. Nonetheless, James A. Duckett, a former police officer who still says he is innocent, was convicted and sentenced to death. The defense has since won the right to get the hair retested.

Forensic scientists have long griped about Mr. Malone's testimony, which some say gives hair testing a bad name and endangers defendants' rights. "I've been concerned over the years that Malone tends to overstate evidence and presents things in a stronger fashion than I believe is justified," says Peter DeForest, a New York hair-and-fiber expert for both prosecutors and defense attorneys. Edward Blake, a Richmond, Calif., forensic scientist uninvolved in any of Mr. Malone's cases, goes so far as to call Mr. Malone's claims of near-certainty "fraudulent." Dr. Blake says hair evidence can't be precise because "there's too much variation, and it's all too subjective."

Yet the FBI crime lab brought Mr. Malone into the highest profile, most sensitive matters, such as the investigation of the 1985 murder of U.S. drug-enforcement agent Enrique Camarena in Mexico. And former FBI colleagues say Mr. Malone's role in cracking the Camarena case won him a bonus and a letter of commendation from the Justice Department in 1989. Mr. Malone's hair-and-fiber testimony in the case was credited with winning the conviction of a wealthy Honduran businessman in 1990.

The FBI didn't respond to phone calls and written questions related to Mr. Malone. It couldn't be determined whether the agency was aware of concerns about Mr. Malone's work as far back as the 1980s, though some former agents say the FBI doesn't keep close track of their court testimony in most routine cases.

On May 21, 1991, the same day that Mr. Malone provided his affidavit in the MacDonald appeal, he also testified in a case that would call his credibility into question more sharply than any previous trial. The Warren County, Pa., case involved the 1988 murder of a 33-year-old woman, Kathy Wilson. The defendant, Jay William Buckley, had been accused by an alleged accomplice. Hair evidence was sent to the New York State Police Crime Laboratory for evaluation because Mrs. Wilson was from upstate New York.

Cathryn Oakes, the examiner there, reported that she was unable to conclude that any of the hair belonged to Mr. Buckley. Lacking fingerprints or other physical evidence, District Attorney Joseph Massa Jr., says he decided to call upon the FBI's top hair-and-fiber man, Mr. Malone, to lend his expertise.

At first, the May 1991 trial went badly for the prosecution, with the alleged accomplice admitting hundreds of times that he had lied or changed his story. But Mr. Malone seemed to turn the tide. In two days of testimony, he tried hard to link Mr. Buckley to the murder. At one point, Mr. Malone said he believed there was a "very, very strong possibility" that hair in Mrs. Wilson's van came from Mr. Buckley, who police had said was driving the vehicle. In a devastating blow to the defense, he further testified that a hair he believed was Mrs. Wilson's was found on a white blanket in the van belonging to Mr. Buckley's alleged accomplice. In contrast, Ms. Oakes, the New York State examiner, had found what she termed "unaccountable dissimilarities" between the victim's hair and the hair in the van.

There was good reason for Ms. Oakes's conclusion: It turned out that the evidence had been mislabeled and that Mr. Malone had actually tested a plain white blanket belonging to Mr. Buckley that had never been anywhere near the crime scene. The blanket from the van had flowers on a white background.

Confronted with proof of the mislabeled evidence, Mr. Malone persisted: "I matched a hair on the blanket to Kathy Wilson. I don't know how it got there, but all I know is . . . it's consistent with coming from her."

Mr. Buckley was acquitted. Now the defendant's lawyer, Barry Lee Smith, has this to say about Mr. Malone: "The guy's a total liar. My client could have been electrocuted based on his testimony if I hadn't discovered that he'd been shipped the wrong blanket."

Mr. Malone's other effort on May 21, 1991 — his statements in the MacDonald case — appeared to turn out better for the prosecution. In a July 1991 ruling on Mr. Silverglate's plea for a new trial, Judge Dupree relied heavily on Mr. Malone. "According to Malone," the judge wrote, "the blond synthetic fibers . . . were not consistent with blond wig hairs from any known wig fibers currently in the FBI laboratory reference collection. . . . MacDonald has presented no evidence that blond saran fibers have ever been used in the manufacture of human wigs." Therefore, he ruled, there was no cause to reopen the case. (Judge Dupree died in 1995.)

Mr. Silverglate appealed, to no avail. Indeed, a federal appeals court in June 1992 chided Mr. Silverglate for continuing. Noting that the MacDonald court record already "contains over 4,000 pages" and that nothing in it "probably would have raised reasonable doubts in the minds of jurors," the court concluded: "While we are keenly aware of MacDonald's insistence as to his innocence, at some point we must accept this case as final."

Here the story could have ended. But the court's words nettled Mr. Silverglate, who is active in the American Civil Liberties Union and objects to the notion that any case is ever really final. "No justice system ever benefited by having a case end with an innocent man in prison," Mr. Silverglate says. "Here was a court saying, 'It's really time to go away.' But truth is more complicated than that."

Already \$175,000 in the hole, Mr. Silverglate remained on the case. For the next four years, he and an associate, Philip Cormier, and several other lawyers filed numerous new Freedom of Information Act requests, interviewed nearly a dozen manufacturers of wigs and makers and users of saran — all with the goal of getting into court yet again.

Was Mr. Malone accurately describing what FBI texts said about saran? To find out, the lawyers requested all materials in the FBI's possession about the possible uses of the fiber. In April 1993, the Freedom of Information Act search turned up two books belonging to the Justice Department that said saran was indeed used for wigs. One of the books was clearly marked as belonging to the FBI crime lab's own collection. Mr. Malone had made no mention of these in his affidavit — and the court had relied on the absence of any such materials in reaching its decision not to reopen the case.

Was it actually impossible to make saran in the "tow" form required for wig-making? The MacDonald lawyers obtained from National Plastic Products Co., in Odenton, Md., a "tow" of blond saran fibers that the company had once made, contradicting Mr. Malone's statement that saran couldn't be manufactured in this form. The MacDonald defense team also located wig manufacturers and wholesalers who asserted that saran fibers were used in wigs in the 1960s and 1970s.

Mr. Silverglate also learned that Mr. Malone had sought, but failed to get, a statement from a Mattel Inc. doll specialist, Judith Schizas, that a 24-inch saran fiber might have come from a Mattel doll. Though Ms. Schizas says she told Mr. Malone and two of his colleagues that neither Mattel nor other manufacturers she knew had used such long fibers, the government agents continued to press her, she says. "You aren't trying to railroad this guy, are you?" Ms. Schizas says she asked. She says Mr. Malone laughed and then responded, "No, we know he's guilty, and there's a ton of other evidence to prove it."

A couple of weeks after the visit, Ms. Schizas says, she received a draft affidavit from federal prosecutors. It stated that saran was "the major fiber used for doll hair by Mattel" and others until the 1980s. The affidavit also said that doll hairs could be doubled during the weaving process to reduce a 24-inch fiber into a foot-long hair. Disagreeing with both assertions, Ms. Schizas refused to sign.

Similarly, Mr. Malone sought a statement from A. Edward Oberhaus Jr., senior vice president at Kaneka America Corp., New York, saying saran wasn't used for wigs. But Mr. Oberhaus, whose company manufactures wig fibers made of other substances, says he didn't have information about saran so declined to sign an affidavit later provided by prosecutor. Instead, he provided his own sworn statement that didn't commit one way or the other on saran.

Mr. Oberhaus's affidavit was neither used by the government nor disclosed to Dr. MacDonald's defense team. The failure of Mr. Malone and prosecutors to disclose what happened with both Mr. Schizas and Mr. Oberhaus was significant, according to Mr. Silverglate, because prosecutors and government agents have a obligation to turn over anything that might be important to the defense, even if it undermines the prosecution.

In late February of this year, Mr. Silverglate was about ready to seek a new review of the case based on the information he and his team had gathered since they lost their last appeal in 1992. But despite his years of work, he wasn't too optimistic. He worried that the courts were so disposed against the well-trodden MacDonald case that they wouldn't pay much attention to further motions on his behalf.

Working against the appeal, too, was the weight of the circumstantial evidence against Dr. MacDonald at the time of his seven-week trial in 1979. Among other things, the prosecution had made much of the fact that the house was remarkably tidy after the murders, despite Dr. MacDonald's story of an epic struggle with intruders. In addition, Dr. MacDonald's testimony was inconsistent in some instances with the actual location of blood stains, splatterings and footprints in the house.

Prosecutors argued at the trial that Dr. MacDonald had committed the murders, then fabricated a crime scene based on an Esquire magazine article about the murders committed by Charles Manson and his cult. They also argued that Dr. MacDonald's own mostly superficial stab wounds were self-inflicted, as part of the coverup. In light of all this, Mr. Silverglate says, he and his colleagues debated whether their new information about Mr. Malone was going to be "dramatic enough" to get the court's attention.

Then, on Feb. 26, a big story broke, one that "made my eyes bug out," Mr. Silverglate says. The widely reported news involved a memo that FBI lab examiner William Tobin had written in 1989, alleging that Mr. Malone gave 27 instances of false or misleading testimony in 1985 proceedings that led to the impeachment and ouster of former U.S. District Judge Alcee L. Hastings. In the memo to a superior, Mr. Tobin called his colleague's testimony — which didn't involve hair or fiber — "scientifically unfounded, unqualified and biased."

Yesterday, Justice Department Inspector General Michael Bromwich reported on an 18-month investigation of the FBI crime lab, a probe that had been launched because of broad allegations of bias first made by supervisory special agent Frederic Whitehurst in 1995. The inspector general concluded that Mr. Malone had indeed "testified falsely and outside his expertise" in the Hastings matter. But in his report yesterday, the inspector general stopped short of finding intentional wrongdoing by Mr. Malone and left it up to the FBI to "assess what disciplinary action is now appropriate for Michael Malone" in connection with the Hastings matter. According to the report, the FBI defended Mr. Malone, stating "it is not appropriate to characterize Malone's testimony as false because it was not intentionally deceptive."

The report recommended that the FBI monitor Mr. Malone's future expert testimony to "assure that it is accurate and limited to matters within his knowledge and competence." But the inspector general didn't allude to the MacDonald case or to any of Mr. Malone's other testimony over two decades.

Mr. Silverglate says he believes the Tobin memo will prove to be the real turning point in the 27-year-old MacDonald case. "It not only raised the issue of FBI infallibility, but it made the scam in the MacDonald case part of a larger pattern that would be harder for the court to ignore," Mr. Silverglate says. "Now we believe that somebody in a black robe will pay serious attention to this case."

Whether the federal court in North Carolina will be swayed, however, is far from certain. Mr. Silverglate's court filing, expected next week, argues that the last appeal was rejected based on allegedly fraudulent statements in Mr. Malone's affidavit. But despite well-documented questions about Mr. Malone's work, there are further hurdles: In order to win a new trial, Mr. Silverglate will have to prove both that the evidence was withheld by the government in 1970 and that it might have led to an acquittal.

The hair evidence is, Mr. Silverglate maintains, "crucial" because it lends credence to Dr. MacDonald's story about a band of intruders led by a woman wearing a long, blond wig. It also adds potential significance to the testimony of a police officer at the 1979 trial. Officer Kenneth Mica told the jury that on the way to the MacDonald home on the night of the murders, he spotted a woman standing blocks away, in the rain, with long blond hair and a floppy hat and boots.

He said that he thought it strange that she should be there at 3:30 a.m. but that he didn't have time to stop because he was responding to a call for help. The jury didn't think much of that testimony at the time, but Mr. Silverglate is hoping that, in light of the new information on saran, the court will see things differently.

As for Mr. Malone, he is currently working not in the crime lab but in the FBI's Norfolk, Va., field office, as a special agent. He was transferred there, as part of a general FBI move to put agents back in the field, in 1994. Since then he has continued to participate in high-profile cases, including the investigation of John Salvi 3rd's shooting rampage at Boston-area abortion clinics.

Meanwhile, courts continue to challenge his testimony. On March 6, the Florida Supreme Court reversed a murder conviction of serial killer Bobbie Joe Long. In its ruling, the court specifically found Mr. Malone's hair-and-fiber testimony insufficient to justify that conviction.

## FBI Lab Is Faulted for Sloppy Work But Report Clears Scientists of Perjury

By JOE DAVIDSON

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON — Federal Bureau of Investigation scientists gave distorted testimony to meet prosecutors' needs and did sloppy analytical work in some cases, according to a stinging 500-page Justice Department report.

The department's inspector general said FBI laboratory employees gave inaccurate testimony and produced scientifically flawed reports in such high-profile cases as the bombings of the World Trade Center in New York and the Oklahoma City federal building.

The FBI scientists, however, didn't commit perjury or fabricate evidence, the report said.

Inspector General Michael Bromwich, who convened an international panel of experts and lawyers for the 18-month inquiry into the laboratory, recommended structural changes in the lab and disciplinary action against five employees, three of whom already were transferred. The probe was limited to three units in one section, out of five, in the lab.

The report criticized David Williams, a former examiner in the explosives unit, for his work on the World Trade Center and Oklahoma City bombings. Mr. Williams based his Oklahoma City conclusions "not on a valid scientific analysis but on speculation from the evidence associated with the defendants," the inspector general said. The report, for example, said Mr. Williams decided a 4,000-pound ammonium nitrate-fuel oil bomb was used based on the defendants' alleged purchases rather than on scientific evidence.

At the World Trade Center trial, Mr. Williams "gave inaccurate and incomplete testimony and testified to invalid opinions that appeared tailored to the most incrimi-

nating result," the report said.

Mr. Williams didn't respond to an interview request, but in a written reply to the inspector general's report, he conceded that his Oklahoma City finding is "categorically overstated."

Frank Handelman, a lawyer for Mohammad Salameh, who was sentenced to 240 years in prison for his role in the World Trade Center bombing, said the report may lead to motions for a new trial. The lawyer for Timothy McVeigh, now on trial for the Oklahoma City bombing, declined to comment on the report.

Despite the report, Justice Department officials don't believe the lab's problems have caused the innocent to be convicted. The FBI said several hundred cases are being reviewed to determine if there is evidence favorable to the defense.

The FBI said it has adopted the inspector general's 40 recommendations to improve the lab. "The problems identified by the inspector general should never have been permitted to develop," said FBI Deputy Director Bill Esposito. "There was a clear and serious failing in not adequately detecting these problems and, in many instances, not moving swiftly enough to resolve them."

The inspector general's probe was sparked by complaints from Frederic Whitehurst, a supervisory special agent and a lawyer and chemist who was assigned to the lab. He was placed on administrative leave with pay in January.

While the report "substantiated some important allegations made by Whitehurst," Mr. Bromwich said it "did not substantiate the vast majority of the hundreds of allegations made by Whitehurst, including the many instances in which he alleged the laboratory examiners had committed perjury or fabricated evidence."

September 29, 2002

In 1997 U.S. District Court judge James Fox, Wilmington, N.C. authorized DNA test and examinations on the McDonald murders. In his order he allowed 15 individual pieces of evidence examined, however he stated only the government could be present when the evidence packages were opened. No one from the defense team was allowed to be there. The prosecutor announced, after the evidence packages were opened, that evidence in 5 of the envelopes was empty. It is now September 2002 and the tests still have not been conducted.

Teel L. Gunderson