

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA,	:	
	:	Criminal No. 75-26CR-3
v.	:	
	:	Civil No. 84-41CIV-3
JEFFREY R. MACDONALD	:	
	:	
	:	
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AFFIDAVIT OF RAYMOND MADDEN, JR., #13

Raymond Madden, Jr., being duly sworn does depose and say that:

1. I am a Special Agent of the FBI, assigned to the Raleigh, North Carolina, Resident Agency of the FBI, and on January 15, 1983, Dr. Sandra Conradi, Pathologist, Medical College of South Carolina, Charleston, South Carolina, was telephonically contacted and furnished the following information:


She performed the autopsy on Helena Stoeckley Davis on January 15, 1983. Dr. Conradi was assisted in the autopsy examination by Dr. Ron Wright, Forensic Pathologist, from Fort Lauderdale, Florida, who was requested to attend the autopsy by Dr. Stephen Shay.

Dr. Conradi advised the examination of the deceased was extensive and extremely thorough. No bruises or trama marks were observed on Davis' body. Davis had several minor scratches normally found on corpses. Davis' body was badly decomposed, and date of

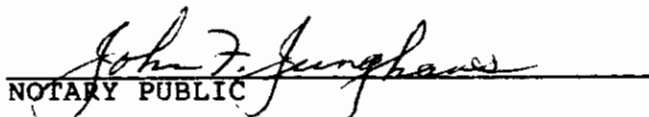
with the procedures, methods and performance of the autopsy as well as the autopsy results. Dr. Conradi has placed a "hold" on Stoeckley's organs and they will be kept indefinitely. She has not been contacted by any private investigators or attorneys regarding her findings. She is in possession from the Seneca Police Department of all of the prescription drugs located in Stoeckley's apartment at the time of her death and these items were also being held indefinitely. These contents have not been examined due to the fact that there was no toxicological evidence that any drugs were located in the deceased.

4. It was her opinion that Stoeckley's death was due to natural causes caused by acute bronchopneumonia involving the left lung complicated by cirrhosis of the liver. She is willing to testify as to her findings.

5. Dr. Conradi made available a copy of the complete pathological examination of Stoeckley which is herewith attached (#1). Further your affiant sayeth not.

  
RAYMOND MADDEN, JR.  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 15<sup>th</sup> day of July, 1984.

  
NOTARY PUBLIC

My Commission Expires May 31, 1985

Case No. 09274

AUTOPSY NO: FA83-30

REPORTED BY: \_\_\_\_\_

Helena Davis

S. E. Conradi, M.D.

A 32 year old Caucasian woman was found dead in her home lying on a couch unclothed from the waist down, clothed only in a blouse, buttoned in the front. She had apparently not been seen for six days at which time she complained of being ill and was seen walking up the stairs with groceries. A 7 month old infant was found in the home sitting up under the crib. The infant was apparently dehydrated but in otherwise good physical health. Mrs. Davis had been apparently treated in the past for hepatitis B and was known to have cirrhosis. Autopsy was authorized by the Coroner of Oconee County, Mr. Durham.

## GROSS ANATOMICAL PROTOCOL

Case No. 09274 MEDICAL UNIVERSITY OF SOUTH CAROLINA

Autopsy No. FA83-30

Helena Davis

Report by.....

S. E. Conradi, M.D.

the vaginal and rectal area reveals no abnormality.

### INJURIES:

The superficial abrasions and scratches have been described.

### INTERIOR OF THE BODY:

The usual Y shaped incision is made. Reflection of the skin from the subcutaneous tissues reveals no contusion or other abnormality of the subcutaneous fat, which in the abdominal area measures up to 1.0 cm. in thickness. On entering the peritoneal cavity anteriorly, large periumbilical venous channels are encountered. There are adhesions binding the anterior edge of the right lobe of the liver to surrounding small intestine. The gallbladder is surgically absent. With removal of the chestplate, the lungs collapse into the chest cavity. Approximately 200 cc. of bloody fluid are present within each pleural cavity. The heart is encased in a smooth walled pericardial sac. The heart, however, is flabby with a dusky purple epicardial surface.

**GRAND ANATOMICAL PROCEEDINGS**

Case No. 09274 MEDICAL UNIVERSITY OF SOUTH CAROLINA

Autopsy No. FA83-30

Helena Davis

Report by \_\_\_\_\_

S. E. Conradi, M.D.

**ADRENALS:** The adrenal glands are markedly autolyzed but show no other abnormality on section.

**GENITOURINARY SYSTEM:** Both kidneys are considerable enlarged and weigh on the right 250 grams and the left 270 grams. The capsules reflect with ease to reveal smooth dark purple cortical surfaces. On section the cortices measures up to 0.7 cm. in thickness and both cortices and medullae are dark purple in color. The pelvis are lined by a light purple mucosa as are the ureters. Approximately 0.5 cc. of urine is present within the bladder. The material within the bladder is reddish fluid. The bladder mucosa is pinkish-tan in color and the bladder is dilated. The vagina shows no abnormality. The cervical os is slit shaped. The uterus measures 9 x 5 x 4. The fallopian tubes are normal. The ovaries are of normal size and configuration each measuring 4 x 3 x 2 cm. On the left a recently ruptured corpus luteum is encountered.

**SPLEEN:** The spleen weighs 500 grams. It is markedly enlarged and softened. On section the splenic capsule encases a mushy mass of dark purple pulp. No architectural details can be discerned.

**PANCREAS:** The pancreas is markedly softened and autolyzed occupying its usual anatomic position. No particular abnormality is noted on section.

**ALIMENTARY SYSTEM;** The esophagus has been described. The cardiac end of the esophagus shows no indication of erosion or tearing. The organ is fixed for further histological sectioning. The stomach contains a minimal amount of brownish-red creamy material. When this is washed away, no abnormality is noted. The stomach wall is flattened with no rugal folds. No ulcerations or other abnormalities are encountered. The pylorus is patent and within the duodenum is a few cubic centimeters of creamy reddish-material. The stomach and first part of the duodenum is fixed in formalin for further sectioning. Material from the duodenum and beginning jejunum is collected for possible toxicological analysis. Examination of the small intestine reveals considerable gaseous content and a small amount of reddish-brown material. An appendix measuring 12 cm. in length is encountered and appears normal externally and on section. Examination of the large intestine reveals a small amount of liquid yellowish fecal material within the large intestine. No foreign material is encountered. There is no rectal or anal abnormality.

**MUSCULOSKELETAL SYSTEM:** Examination of the vertebral column reveals exophytic excrescences attached to the right side of the 5th and 6th vertebral bodies. These bridge the intervertebral disc on the right. Section through this area reveals no abnormality of the vertebral body, trabecular bone patterns itself. No other muscular or skeletal abnormalities are noted.

## CASE SUMMARY

Case No. 09274

AUTOPSY NO: FA83-30

REPORTED BY: \_\_\_\_\_

Helena Davis

S. E. Conradi, M.D.

A complete autopsy was performed upon a decedent identified as Helena Stokely Davis in the Medical University Hospital autopsy room beginning on the 15th of January, 1983. The examination was conducted by Dr. Sandra Conradi with authorization of the Oconee County Coroner, Mr. Durham.

At autopsy, the markedly decomposed remains of a middle aged woman were examined. There was no indication of external injury. Internal examination revealed advanced cirrhosis of the post hepatic type and large periumbilic venous channels were noted when the first abdominal incision was made. There was no abdominal fluid and approximately 200 cc. of bloody fluid were noted within each pleural cavity. Significant findings included nodularity of the liver with nodules measuring from 0.1 to 0.5 cm. in diameter and surrounded by dense scarring. Gas filled pockets were present throughout the liver. The gallbladder was surgically absent and adhesions were present binding the intestine to the liver. Another significant finding included firm consistency in the lower portion of the left lower lobe. The spleen was markedly enlarged and softened in consistency.

Microscopical examination of the tissues removed at autopsy showed marked autolysis. Sections taken from the liver showed dense fibrosis enclosing nodules of hepatocytes of varying size. Occasional focal areas of pigment suggestive of bile were present. Numerous artefactual cystic spaces were also seen. Hepatocytes contain large and small globular fat but no detail could be appreciated. Examination of sections of the left lower lobe showed autolyzed neutrophils including band forms within alveolar spaces. The detail because of autolysis is difficult to ascertain but no organization is identified. Sections removed from other organs showed advanced autolysis but no observable abnormality.

Toxicological examination of the liver homogenate for drugs was negative. Duodenal content and liver cyanide and arsenic levels were negative. Swabs taken from the oral, vaginal and rectal areas were negative for increased acid phosphatase and no sperm were identified on the smears.

After review of the autopsy and historical findings as noted in this protocol, it is the opinion of the prosecutor that the cause of death of Helena Stokely Davis is acute bronchopneumonia involving the left lower lobe with post hepatic cirrhosis of the liver a contributory factor. It is the further opinion of the prosecutor that the manner of death best be designated natural.

*S. E. Conradi M.D.*  
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 S. E. Conradi, M.D.  
 Associate Professor of Pathology

SEC/pch

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16

(The hearing reconvened at 0900 hours, 13 August 1970.)

- COL ROCK: This hearing will come to order. Let the record reflect that all parties present at the recess are apparently in the hearing room. Proceed counsel.
- MR SEGAL: Colonel Rock, there were two matters pertaining to yesterday's proceedings, I would like to make some request on one matter pertaining to today's proceedings. One, I would like to ask at this time as to whether the government has available to it all copies - copies of all statements that Jan Snyder made to any investigators who might - if we may see that, to see if we have any need for them today.
- COL ROCK: Can you respond to this Captain Somers?
- CPT SOMERS: I think I said before, sir, that there are no written statements. There is a mimeograph form which I will be able to provide sometime this morning.
- COL ROCK: Fine, and please let us have that expeditiously when it does become available.
- MR SEGAL: Secondly, sir, in regard to the testimony of Doctor Sadoff yesterday, and the forthcoming examination that is being planned for Captain MacDonald at Walter Reed hospital, it has occurred to us that it would be useful and desirable, and very frequently the practice, to have Doctor Sadoff's testimony available, to include his conclusions, findings and observations, for the psychiatrists in Washington. For that reason, I would ask that perhaps you might direct the out-of-order transcription of just Doctor Sadoff's testimony so that could be available and sent forward to the authorities in Washington. My own experience in this matter has always been that psychiatrists like to have the observations of other doctors because it gives them another vantage point to make comparisons, and I think that's certainly the - I think that they would want to know there'd been an independent examination, so they might review their own findings in regard to what doctor saw him at a different time and place and a different situation.

COL ROCK: I will so order, with the caveat that these papers would be available to the individuals after the government had made its own investigation. In other words, that the government's investigation would not be the result of the consultation with Doctor Sadoff. This will be so ordered.

MR SEGAL: Sir, at this time we are ready to proceed and call the next witness. In regard to this witness, he is a civilian person who has agreed to testify, even though we haveno power to compel him to be here. He has repeatedly expressed to us great concern that he not have his name bandied about, released in any way, or spread out to the public. We have assured him on our part, in behalf of those civilian counsel and the accused and the military counsel, that we will absolutely honor his request. His wife is quite anxious that he not come here because her fear is that it might produce some repercussions, and there are even indications of the fact that reperussions have taken place, because it was known or suspected he might be coming here. I would ask also, sir, that you direct, although I am sure it will be a policy anyway, that all parties here honor the witness' request <sup>in</sup> not to/any way cause his name to be released to any person except in the sense the investigators have to be directed to do anything, that they be likewise told not to needlessly in any way expose this person to the knowledge of civilians or other persons who do not absolutely have a need to know his name or anything about him.

COL ROCK: Sir, this is a closed hearing and to my knowledge the only information that has been released to anyone has been through your own efforts.

MR SEGAL: Yes, sir, I am just at this point suggesting that if the government would kindly recognize the problem and would advise its investigators to be cautious in regard to any way making the identity of this person known, except as is absolutely necessary in their own investigative processes. It would be, I think, muchly appreciated and be assuring to the witness if we could do that, sir.

COL ROCK: I am sure the government will adhere to that request. Proceed, please.



MR SEGAL: Would you call Mr Posey, please.

(WILLIAM EDWARD POSEY was called as a witness, was sworn, and testified as follows.)

Questions by MR SEGAL:

Q: Mr Posey, would you be good enough to state your full name and address for the record?

A: William Edward Posey, 505 Mrytle Street.

Q: Fayetteville, North Carolina?

A: Fayetteville, North Carolina.

Q: And your last name is spell how?

A: P-o-s-e-y.

Q: Mr Posey where did you live in February of 1970?

A: 1106 Clark Street, Apartment A in Haymount.

Q: Now is Haymount an area in Fayetteville, or is that separate?

A: It's an area in Fayetteville.

COL ROCK: 1106 Clark?

WIT: Clark Street, Apartment A.

Q: What was your employment in February of 1970?

A: I work for Bass Air Conditioning.

Q: How do you spell that?

A: B-a-s-s.

Q: And where is that located?

A: Well, at that time their office was on the Boulevard; right now it is over by the Perulator Plant, but they still have the office on the Boulevard too.

Q: Now do you know where you were during the early morning hours of 17 February 1970?

A: I was home.

Q: Were you sleeping?

A: What time do you mean?

Q: You tell us. Had you gone to bed that night at all?

A: Right.

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Q: About what time did you go to bed?

A: I went to bed about eleven o'clock.

Q: Now you are talking about 11 p.m. on the night of 16 February?

A: Right.

Q: Did you have any occasion to become awake or to awake on February 17th?

A: Well, about - sometime between a quarter to four and four-thirty, I didn't look at the time, exactly what time it was, but I started to go to the restroom. I heard a car next door whip in, you know, real fast. ~~There~~ was this -

MR SEGAL: You'll have to try and talk just a little slower for purpose of both clarity, understanding what you are saying, and to enable the recorder to pick it up. You tend to talk a little rapidly. You say you went to the rest room?

A: I was fixing to get up to go the restroom, and all of a sudden I heard a car whip in. There was a lot of laughing and carrying on, so I walked around to my front door to see what was going on.

Q: And may I ask you, where did you hear the sound of the car from - was it from the street?

A: From my bedroom I heard it, you know, pull into the drive way real fast.

Q: That drive way was located between what properties?

A: Right between my house and the girls that lived in the apartment right across the fence.

Q: Are you referring to some girls that live in the adjoining building?

A: No, no, it's - you can look out - their house is separate from mine. It was directly across from our front door.

Q: And you say some girls. Did you know the occupants of the apartment?

A: Well, I knew them by, you know, just saying hello, and talking to them occasionally, but I mean I wasn't associated, real good friends, or anything.

Q: Now what happened when you heard this sound of the car pulling into the drive way and the voices? By the way, can you describe what the voices were saying or how they sounded?

- A: No, they were just, you know, laughing, you know. I didn't pay any attention to what they were saying. I don't believe they were saying too much, really. Just laughing, cutting up, giggling a lot. This type of thing.
- Q: Giggling a lot?
- A: Yes.
- Q: Could you indicate this to approximately how many voices there appeared to be?
- A: Well, there was more than two, and there was more than two people in the car. It was - it was a crowd.
- Q: Now as a result of hearing that particular noise or those sounds, what did you do?
- A: Well, I walked around to my front door to see what was going on, and I noticed that the lights and everything were on in the apartment - in their apartment and I looked over there and two of the girls were in there painting, and then I saw - I looked up and I saw the car that was pulled in. It was a Mustang, and the one girl got out, and the girl I know -
- Q: Excuse me. You said two girls were in the apartment painting?
- A: Painting, yes.
- Q: Are you indicating there were more than two occupants in that apartment?
- A: There was three.
- Q: And was the third occupant also female?
- A: They were all three female.
- Q: All right, now where was this third female?
- A: She was getting out of the car and walking into the house, and then the car pulled out and took off.
- Q: Now, what, if anything, did you observe about her at that time?  
Her appearance or dress.
- A: Well, the only thing that I noticed about her, at least, I noticed it was her, and she had something in her hand, but I - I did not take note of what it was, but she walked kind of fast into her house. She didn't walk real fast, but faster than she usually walks.

Q: Now what did that young lady look like at that time?

A: She just looked like, you know, she didn't look any certain way. I didn't - I just noticed it was her, because she didn't have a hat or anything like that on at that time. She had her - she has Brunette hair, and I guess it was down close to her shoulders.

Q: Now what, if anything, caused this episode to remain in your memory, that caused you to pay any note to it?

A: Well, I had to get up, you know, pretty early and go to work, and Gene, the man I worked with, we were headed to Southern Pines, going through Fort Bragg, and he told me that there had been a murder out there that night, you know, several people had been killed, and so, when he told me this, you know, and he said it was by a band of hippies, you know, and I knew - it went through my mind then, you know, that she was out. It was unusual for her to be out that, roaming around that time of the night, and it just stayed in the back of my mind. I just let it go there.

Q: All right now, would you describe for the investigating officer, the clothes or other paraphernalia that your neighbor wore, her normal habit, her normal wear?

A: Well, like before -

CPT SOMERS: I object to that, as calling for a conclusion. We have no basis for his being able to draw.

MR SEGAL: Well, if he wants to establish how long he's observed the person, I'll be glad to do that, although the government knows itself, but I'll be able to do so.

CPT BEALE: Establish it.

Q: Let me back up, if I may, Mr Posey. How long had you seen this gal around or known her, the one that you are describing on this morning, that you saw getting out of the Mustang?

A: I'd seen her, you know, everyday, when I would come home from work, and a lot at night, and probably, I think, they had lived there for two or three months prior to that, and I think I'd seen her once or twice in Haymount, you know, before they ever even moved there.

- Q: And how frequently did you see her on a given day? One occasion or more than one occasion?
- A: I'd say maybe twice a day.
- Q: Now can you tell us something about what the Haymount section of - is or what kind of community it is?
- A: It's where most of the hippies hang out at.
- Q: And on the various occasions that you had seen this young lady before the morning of the 17th of February, would you describe, you know, what her normal wearing apparel was?
- A: Well, she had this purple outfit, you know, with the vest type thing that she wore all the time. It was kind of silky, and she had a big old white floppy hat that she wore, and she had a pair of white boots that she wore a lot, and she used to - I mean the hat was part of her because you very seldom, you know, when she went out she always had the hat with her. I mean very seldom did you see her without the hat, and on once or twice she had worn a blond wig, you know, she had a blond wig too, and she had worn it once or twice, but she didn't wear it too often, not real regular.
- CPT SOMERS: I object to the testimony about the blond wig since that's obviously not normal wearing apparel.
- MR SEGAL: I agree it is not normal wearing apparel. That's exactly why it is relevant testimony. We will establish certain subsequent events relating to that - the clothing and the hair.
- CPT BEALE: The objection is overruled, Captain Somers.
- Q: Now you said something about the fact that you had seen this floppy hat which she wore on more than one occasion?
- A: Yes, sir.
- Q: How often would you say that she wore or had that hat with her?
- A: Just about every time that she went out the door she had it.
- Q: And could you describe anything about that hat, other than the fact that you recall a floppy hat?
- A: Well, it was big, you know, it was kind of wide, you know, floppy, the type that flopped around - around the ears, and the thing went around the front.

Q: You mean the brim, you are referring to?

A: Yeah, but you know, it hung down around the front.

Q: Do you know what color it was?

A: It was white.

Q: Was she in the habit of also wearing the boots that you described?

A: She didn't wear the boots that often. She usually went barefooted most of the time.

Q: Did you ever see her in any other shoes, other than the boots?

A: I seen her - Well, I've seen her, you know, in sandals and stuff like this.

Q: Now do you know whether any particular type of weather conditions or the time of the year when she would wear the boots?

A: Well, usually she'd wear the boots a lot of the times when it was wet, or when she was going, you know, like to a party or something like this. When she wore a dress she would wear her boots.

Q: Now what was the weather condition on that morning? Do you recall?

A: It was fairly, you know, it was fairly cold.

Q: And was there anything else that you observed about the weather at that time?

A: Not that morning.

Q: Now did you have any occasion to mention the episode at the time it happened to any other person, your observance of the girl coming into the drive way at that time of the morning?

A: Well, you know, they've done a lot of crazy things over there, but that was about the craziest thing I'd seen them, painting away at that time in the morning, so, I, you know, I got my wife up and I - I brought her over to the front door to show her what was going on, and the only thing she - she saw was when the car was backing up, I woke her up, she saw the car backing out, and I showed her them over there painting the apartment at that time in the morning.

Q: Had you ever seen that particular car there on any other occasion?

A: Well, it - I'd seen the Mustang there a lot of times, it was a blue one, but I can't remember if that was the color of that car that

morning, but I know it was a Mustang because I remember the shape of the car and everything, but I didn't take note of what color it was.

Q: Did you observe the persons who were in the Mustang that morning?

A: No, sir.

Q: Do you know whether there was one or more persons in it when it drove off?

A: There was at least two in it when it drove off because they, you know, laughing and stuff.

Q: Did they appear to you, from what you saw and what you heard, from the voices, that they were males or females?

A: By their voices, by the way they were giggling, they were males.

Q: Do you know what connection, if any, that young woman you've described with a floppy hat, has ever had with Fort Bragg, North Carolina.

A: Her father was a Colonel in the Army, and -

Q: Is he still a member of the Army?

A: No, he's retired.

Q: And did you ever meet her father?

A: I met him on one occasion. Shortly after that she left and he come looking for her. He was looking for her.

Q: How old a young woman is she?

A: I think she's somewhere in the neighborhood of around 18, because she looks older than her actual age.

Q: Now on the subsequent days, after February 17th, when Mrs MacDonald - when the MacDonald killing was out, did you observe or see anything about this young lady in regard, first of all, to her clothing?

A: Well, I noticed that she quit wearing her hat. I didn't see her hat any after that, and she never wore her hat any more after that at all.

Q: And prior to February 17th, did you ever recall having seen her without that particular hat that she wore?

A: Oh, I'd seen her, you know, a lot of times, without it, but most of the times she had it.

Q: And did you ever have occasion to discuss that fact that you didn't see her with it after February 17th?

CPT SOMERS: I object.

CPT BEALE: What is your basis?

CPT SOMERS: Hearsay.

MR SEGAL: It is not offered for the truth or falsity of what she said but the observation and what was said that he acted on thereafter.

CPT BEALE: Overruled.

Q: Now did you have any conversations with this young woman?

A: Well, about a week or two after, a friend of hers who was a friend of mine, Paul Bowman, he was getting out of the Army, and I owed him some money for a telephone bill, and so he was, you know, over there with them, and so he was by the fence and I saw him. My wife and I were in the house and I went out to talk to him and my wife was standing on the porch. I started talking to him, and then we got on the subject about - she said that the police had questioned her several times about it, and so he said that she needed an alibi, and then she had walked up, you know, in the meantime, with the three of us standing there, and they were both on the other side of the fence, and so I said "Well, I could be your alibi, because I saw your girl friends painting in their apartment, and I saw you when you got out of the car that morning."

Q: Did she, herself, ever say anything about an alibi on the morning of February 17th?

A: Well, you know, you know, she - she said that she had been questioned several times, that she was stoned out that night and that she didn't remember what she had done.

Q: Let's break that down, first of all. Did she, in fact, indicate that she had been questioned by police and other law enforcement authorities about her whereabouts on the morning of 17 February?

A: Yes, sir.

Q: What did she indicate as to her ability to establish where/<sup>she</sup>was on that morning?



- A: She said that she didn't know where she was that morning.
- Q: Did she ever use the word alibi, or the word alibi come up in her presence?
- A: Paul, you know, brought up the word alibi. He said that she needed an alibi. He said that she needed an alibi.
- Q: And what, if anything, did you say or do in response to his statement, that he thought she needed an alibi?
- A: Well, I made the remark, I said "Well, I can be her alibi because I saw her that morning. I saw her two girl friends painting the apartment, then I saw her when she come up and joined them, you know." And then when I said that, she kind of backed off, and they had to go, they left, they left, they just dropped the subject then.
- Q: What was your relationship with this young lady after the morning, after the day that you told her that you had seen her on the morning of 17 February?
- A: Well, I mean, she kind of shied away from me then, and then she left shortly after that.
- Q: How long after that particular conversation did she leave?
- A: It was within a few days.
- Q: You say she left. She moved away from there?
- A: She left completely.
- Q: Did you ever have any discussions with her about the hat and the wig that you'd seen her with?
- A: Yeah, I, on occasion, you know -
- Q: Which occasion are you referring to?
- A: The one where about the alibi, you know, and she said, she made a remark - what made it look bad was that she didn't - she threw her hat and her boots away, and I asked her, I said "What did you do with them?" She said she threw them away but she didn't remember what she'd done with them. But her wig, she said she still had it, that blond wig.
- Q: Did you question her further about the location of the - or the method by which she disposed of her hats and her boots?

- A: I asked her, you know, what she did with them, and she just kept saying she didn't remember what she'd done with them.
- Q: Had you ever seen her with her boots and her hat after that morning, February 17th?
- A: No.
- Q: Did she describe anything about the condition of her boots at the time she disposed of them?
- A: Well, I had talked to her, you know, about two nights ago. She had just got back in town, and I went up to Haymount to try to find her name, to try to find out what her name was, and I was talking to her, and she had mentioned that when she got rid of her boots, I said "Why did you get rid of your boots?" you know, and she said "Well, the heel was broken, I broke the heel" and she said they were awful muddy at that time.
- Q: Now what was it that got you so interested or caused you to pay attention to the fact that the people next door were painting their apartment at 4 a.m. in the morning on the 17th? What was there that struck you about the episode - you woke up and you saw these girls painting the apartment?
- A: You know, I mean, they didn't usually keep hours like that, way down in the morning. I mean they, it wasn't part of her to be out running around that time of the morning.
- Q: Did she discuss with you - did the young lady discuss with you her condition, her physical or mental condition, on the morning of 17th of February when you talked to her?
- A: Well, she said - she had said that she was stoned, and I asked her what she was using that night, if she was on acid or what, and she said mescaline. I said didn't she remember what she did, and she said that she had been stoned a hundred times on acid and all of it, you know, but she said that was the only night that she couldn't remember anything that had happened during the course of the night after she got stoned, and she said that since that time that she hadn't tried any of it, and had been off of it.

- Q: When you say she had not tried any of it, do you mean she was referring to the fact that she had tried -
- A: Dropped acid, shot mescaline or anything.
- Q: But when you say stoned, perhaps it would be helpful to me if you gave a kind of description of what you understood that term to mean.
- A: Well, when you are stoned, you know, you- you are out of the world. You are on your own.
- Q: And that effect of being stoned, how is it achieved? How does one become stoned?
- A: Either drop acid or shoot speed or something.
- Q: What do you mean, drop acid?
- A: Take acid.
- Q: And acid is what? LSD?
- A: LSD.
- Q: Now what about mescaline? Do you know what mescaline is?
- A: I'm not familiar with it. I've heard it when I was at college and I know a few people that used it, but I didn't know what it was.
- Q: Did she indicate at what time she had taken the mescaline on or about 17 February?
- A: No.
- Q: did she indicate at all that she had known where she had been prior to the time she came home in the Mustang that morning?
- A: She said that the only thing that she could remember, she told me, was that she, you know, they were riding around. That's all she could remember, riding around, and she couldn't remember anything else.
- Q: Did she remember or ever mention to you who the other persons that she was with when she was driving around in this Mustang?
- A: No.
- Q: Now did she do anything else in regard to what she wore after February 17th, that you observed?
- A: Well, after then, you know, like she had worn this purple outfit quite a bit. Her clothes, I guess, were limited, because she didn't have that many, but after that she started wearing black all the time.

Like now, when you see her, she has nothing but black on, which is part of her dress.

Q: Are you aware of the day on which Mrs Colette MacDonald and the MacDonald children were buried?

A: Well, you know, I wasn't - know the exact date, but then I sat in my house, and the paper said they were having the funeral services out here at Fort Bragg, but during the day I noticed that the girl, that girl, she had wore black and had a black -

CPT SOMERS: Excuse me. I object to that. It's not responsive.

CPT BEALE: Overruled, answer the question.

A: She wore a black dress that day with black shoes and she wore a thing over her face, a veil, a black veil over her face, and had one of those things you use on a grave, a big old artificial flower thing, wreath, they had a wreath outside her door, and she sat there and - it was unusual for her too, because most of the time she, she was the that type/was always going, wanting to go somewhere, go go. But that day she wouldn't go with anybody. She stayed in the apartment by herself all day. She just sat in there all day long.

Q: And that is the day in which you became aware that a funeral service was being held here at Fort Bragg?

A: Yes.

Q: Had you ever seen her in that kind of get up at all before?

A: That was quite contrary to the way she usually dressed. She never dressed like that before.

Q: And after the day that the MacDonald funeral, did she wear black clothing thereafter?

A: Well, after that day she left, you know, about a day or so later, and I've only seen her twice since then. On both occasions that I have seen her, she had black on. She wore nothing but black.

Q: Did you have occasion to talk to her on that day or inquire about this mourning apparel that she was wearing?

A: No, I didn't talk to her that day, but, you know, her boy friend had come up in his car and he wanted her to go somewhere, and she got

real mad. She wouldn't talk to anyone. He got real mad at her and he stormed out of the drive way and took off, and she wouldn't have nothing to do with anybody that day. She kept to herself all day.

Q: Now this young lady told you about having been stoned a hundred times on acid, and having taken LSD, had you ever observed her conduct on prior occasions before February 17th, her manner of behaviour, in which any way appeared to be other than an average normal person would behave?

A: On several occasions my wife and I had noticed her by herself and with friends, you know, in her apartment, they had taken a trip or something and she'd be acting like a bird or like a dog. She acted all these different type of animals and such.

Q: How would she perform? What would she do when she acted out these animals?

A: Well, one thing that my wife -

CPT SOMERS: I object to this. This is irrelevant in the extreme. How she acted as an animal is totally unrelated to this case.

CPT BEALE: The objection is sustained, Captain Somers.

Q: Now did you ever observe the type of illumination that was used in the apartment in which this young lady and her friends lived?

A: I don't understand what you mean.

Q: All right. What kind of lighting was in the apartment when it was dark outside and there was no day light to -

A: Well, you know, they moved in. None of them worked. They just - they didn't have - I didn't see any of them have regular jobs, but their electricity was cut off, and they burned - they had candle light for maybe two or three days, and then their friends in the back apartment, they ran this extension line from their apartment to theirs to give them light.

Q: Did you ever observe candles in that apartment yourself, actually see them?

- A: Well, I'd seen candle, candle light, like one night/<sup>when</sup>she was acting like a bird, you know, she was - the candle was there and she was making imitations onto the wall, I mean, that's about the only time that I noticed it, besides one night they had a seance, but that's about the only time.
- Q: Did you have occasion to become aware of whether there were other drugs present in that apartment other than the LSD which she said she used?
- A: Well, you know, like I went over there once or twice to talk to Paul, you know, and they'd be smoking grass or something like this.
- Q: Did they have visitors frequently in the apartment in the evening hours?
- Ap Well, like Mr Archbell, he's the man that - he's an old man that lives there, and they usually made a lot of noise and so, like one night him and I just sat there together and we counted the people that went in, and in the course of a night, in about four hours, there was thirty-some-odd different people go to their apartment and then leave.
- Q: How long would these persons stay in the apartment?
- A: No more than maybe five minutes.
- Q: And what age were these people? Elderly people?
- CPT SOMERS: I object to this. It's irrelevant.
- MR SEGAL: Oh, I don't think, it's clearly circumstantial evidence. It's a classic testimony by agents who conducted narcotics investigations indicating the pattern of activity, and it seems to me that a person having established use of drugs, if there is any indication of further drug acitivity, it seems to be germane to this inquiry.
- CPT SOMERS: He's already testified that she said that she used drugs. I don't see what we can possibly be driving at at this point.
- MR SEGAL: Sale of drugs on the premises
- CPT SOMERS: There's no charge her of drugs.
- CPT BEALE: The objection is overruled, Captain Somers.

- CPT BEALE: Would you repeat the question?
- Q: Would you indicate the age range of these people that came?
- A: They arranged from anywhere from fifteen on up to about twenty something, twenty-five, twenty-six.
- Q: And was this the kind of condition that existed there only on the one night that you and Mr Archbell observed on that night, or on other occasions also?
- A: It happened all the time.
- Q: You mentioned you observed a seance taking place in the apartment where this young lady lived. Would you describe something of what you saw at that time, particularly as to her conduct?
- A: Well, they didn't have it in her apartment. They had it in Paul Bowman's apartment. But see, he had moved out. I went back there to see him, and I knocked on the door, and the curtain, they had long curtains on the inside of the door, and they were kind of cracked and they had a red light that would rotate around, and they were all sitting in a circle there holding hands and watching Paul's wife, because she was talking. See, they all thought they were witches.
- Q: How did you get that impression, they thought they were witches?
- A: Well, like my brother-in-law and his wife, they weren't married, and my wife's sister stayed with us, and her and Jimmy were having some trouble, you know, just boy friend and girl friend trouble, but one day Helen and Paul's wife told her that they could make up some love potion for her, and so they used Jimmy's car, that's my brother-in-law, to go out to the woods to get some stuff to make some lovepotion with:
- Q: You used the name, Helen, is that the -
- A: That's the name that I knew the girl by.
- Q: That's the girl with the floppy hat that lived next door?
- A: Yes, sir.
- Q: All right, what else did you observe about the seance?

- A: You know, I just stood there and watched them a few minutes and they were trying to contact somebody's uncle, Paul's uncle or somebody, something, because that's what - I can't think of his wife's name - but she was going to talk to, you know, so I just turned around and left because they wouldn't answer the door.
- Q: Did you ever have occasion to be in the presence of this young lady when there were police or other law enforcement officers nearby?
- A: No, I just - I saw her get busted one day, but that's all.
- Q: Did you ever hear her comment about police and what terms did she use to refer to law enforcement people?
- A: She calls them pigs.
- Q: Have you heard her say that recently?
- A: Well, like night before last, a policeman passed by in a car and she said "Check the pig wagon out." and she pointed to the cop.
- Q: Mr Posey, I want to show you an exhibit that's been previously marked in this case, A-31, and ask you whether this resembles any person that you know?
- A: It resembles her in the way of the hat and the eyes, and this, you know, that's the type of the long straight blond wig, but her nose is big, like that, but it doesn't look like her chin.
- Q: You disagree with the way the chin appears in this photo, rather this drawing, as you remember this girl?
- A: Yeah, no, I mean -
- Q: You disagree?
- A: I do disagree with the chin, yes.
- Q: May I have this drawing, sir, marked as Accused Exhibit 36, I believe.
- MR SEGAL: I would state at this time that the exhibit that we've just had marked as A-36, was prepared in the same manner and fashion as the Exhibit A-31, by a former police artist pursuant to interviews and working with Captain MacDonald, and this drawing was prepared in the same fashion, except this is a photograph of the original. We are using a photograph at this time.
- COL ROCK: On what date were these prepared, approximately?



MR SEGAL: August 8th and August 9th of 1970.

COL ROCK: That will be entered as Accused Exhibit 36, drawing of man with mustache.

(A-36 was examined by counsel for the government.)

Questions by MR SEGAL:

Q: Mr Posey, I want to show you a copy of a drawing marked A-36 in this case, and ask you whether the face that appears in that drawing resembles any person you know?

A: It resembles the guy, you know, that used to drive the blue Mustang over there all the time. It doesn't look - the only thing, the mustache and the way his hair is. He always wore fly away collars, the kind that don't button down, they are always flopping around.

Q: Like the dollar is depicted here?

A: He was a, you know, a well built man. He wasn't fat or something. He was well built. He's maybe six foot tall.

Q: You say he's the man who always drove the mustang?

A: Yes.

Q: Is that the type of car that resembles the car you found on the morning of 17 February, out of which the young lady got out?

A: It was the same type of car. It was one of those Mach I's.

MR SEGAL: Cross examine.

Questions by CPT SOMERS:

Q: How far away from the apartment that you were living in was the apartment of these girls?

A: Between, about fifteen and twenty feet.

Q: And what were the two girls doing, did you say, in the house on the morning of the 17th?

A: They were painting.

COL ROCK: Excuse me. What were they painting? Were they painting walls or were they painting pictures?

WIT: They were painting walls, but they weren't what you call wall paint - they were painting designs and stuff like this.

COL ROCK: On the walls?

WIT: One of the girls was doing something on the floor, painting something on the floor.

Q: You say the lights were on in that apartment?

A: At that time, yes.

Q: How many lights did they have?

A: Well, see, it's just one room apartment with a little bitty bathroom off to the side, a shower, and just a small section for a kitchen.

Q: Do you know how many lights they have?

A: Well, I don't know. They had one in the kitchen, I am sure, and there's one in the living room, and there's one in the bathroom, but I don't know if there is one in the shower or not.

Q: And these were all connected up to an extension cord from somebody else's apartment?

A: No, the extension cord, you know, they had used that before then, before that time.

Q: You mean at some point they paid their electricity bill?

A: Yes, sir.

Q: I see. Now why was it that this seemed unusual to you?

A: Well, I mean, I observed them doing a lot of things, but you know, I never see them at four o'clock in the morning over there painting their apartment, painting designs and stuff like this, laughing and cutting up the way they were.

Q: But you had seen them in a seance and you had seen them with thirty or more people in and out of that apartment, and you've seen them using drugs, but compared to these things, painting at four o'clock in the morning seemed unusual to you?

A: I didn't say that I had seen them take drugs. I seen them, what looked like they were under the influence of drugs.

Q: Did you not say you had seen them smoking marihuana?

A: Yeah, I've seen them smoke grass. I've seen a bunch of them smoke grass.

- Q: By grass do you mean marihuana?
- A: Marihuana.
- Q: And what was this girl wearing that got out of that Mustang?
- A: You know, I didn't notice what she was wearing. I didn't take note of what she had on.
- Q: But she wasn't wearing a hat?
- A: No, she wasn't wearing a hat.
- Q: And what color is her hair?
- A: It is brunette.
- Q: How long had she been living there prior to this incident?
- A: Two or three months.
- Q: And how long had you been living in your apartment there prior to that incident?
- A: About a year, two years, over a year.
- Q: You had seen this girl about twice a day during this two or three month period?
- A: Yes, sir.
- Q: Where and under what circumstances did you usually see her?
- A: Well, now I'd seen her coming in and out of her apartment a lot, but like my wife and I, we'd go up to the Village Shop, you know, get a pizza or something, and she'd be up there a lot of times, she'd be at the Village Shop.
- Q: Now you've described this as an area where a lot of hippies hang out. Is that correct?
- A: Yes, sir.
- Q: What's a hippie to you?
- A: Someone that is against the establishment. I mean they - freedom of dress and long hair, beards.
- Q: And did you consider these girls hippies?
- A: Well, the way they dressed and acted, yes, I believe they were hippies.
- Q: Do you expect to see unusual conduct in hippies?
- A: You expect unusual conduct but they - they do things that are, you know, go beyond what they normally do.

- Q: You saw this girl come in on the morning of the 17th. Did you see her when she went out?
- A: No.
- Q: Then you don't know what she was wearing when she went out?
- A: No, sir.
- Q: Now you say this girl told you she had thrown her hat and boots away. Is that correct?
- A: Yes, sir.
- Q: When did she throw her hat and boots away?
- A: Well, about a week or two after that when I was - when Paul and I and her were talking, you know, she said that she had thrown them away, and it was prior to that, maybe inbetween that time and the murder, and up to that date, but she didn't say specifically at what time she had thrown them away.
- Q: In other words, she had thrown them away between the 17th and the time you spoke to her?
- A: Right. But she said that she was questioned, either a day or two days later she was questioned and she said that, you know, she didn't have her boots and her hat at that time either.
- Q: You cannot describe the people that were in that Mustang. Is that correct?
- A: No, sir.
- Q: But you believe there were more than two in the car, two or more in the car when it left on the morning of the 17th?
- A: Yes, sir, there was at least two in there because there was more than two voices coming from the car, at least two voices coming from the car.
- Q: Now describe the discussion again concerning an alibi. Who first mentioned that word?
- A: Paul Bowman, a friend of hers.
- Q: And what did he say?
- A: He said that, you know, she had been questioned three or four times and that she didn't know where she had been that night, that she was

stoned and she needed an alibi, you know, and then I made a remark that I had seen her girl friends painting the apartment and I saw her get out of the car, get out of the car that morning, and I told him that I could be her alibi, so far as -

Q: And what did she say?

A: She didn't say anything. She just kind of, you know, backed off and both of them dropped the conversation.

Q: When was the discussion about the boots and the hat?

A: That was earlier, earlier than the conversation, you know, when she said - when she had come up and told me that she had been questioned, you know, several times.

Q: Now you say she shied away. I believe that's one of the terms you used at the time you mentioned that?

A: Yes.

Q: Well, describe shied away.

A: Well, I mean like we were really having, doing a lot of discussion, and all of a sudden she just, they both just withdrew from me. They had to go - they had to leave.

Q: They both withdrew?

A: Well, she did first and then Paul dropped the conversation and he got on another topic and they both left.

Q: Was Paul in that Mustang or in that area the night that she came in?

A: I didn't see him.

Q: You say that she told you that she was driving around that night, and that's all she remembered. Is that correct?

A: That's all she said she could remember.

Q: Now as I understand it, you've seen her twice since the day of the 17th to talk to her, is that correct?

A: No, I said I've seen her - she stayed around there after that for awhile, but then she left and I've only seen her twice since she left,

Q: I see. And she was wearing black on both of those occasions?

A: On both occasions.

- black
- Q: What kind of/clothing are we talking about?
- A: Well, like she used to wear all purple silky outfits with a vest and a white blouse, and these silky looking baggy pants, but now she wears the same type of clothing, but it's solid black, it's all black. I mean like the other night when I saw her, she had the same style of pants and vest, but the purple part was black.
- Q: Did this girl ever say to you that she had been in the MacDonald apartment?
- A: No, sir.
- Q: When was it that these candles that you've described were used to light the apartment?
- A: It was about the first part, the first month they lived there.
- Q: In the first month, which was what? November, December?
- A: I don't remember exactly that month.
- Q: Now you said that these people all thought that they were witches. First off, who is they?
- A: Paul's - Paul's wife and Helen, the girl, and Shiela, another girl who used to live in an upstairs apartment. But I never heard her <sup>say</sup> room mates/that they were.
- Q: Then you have heard these other girls say that they were witches?
- A: Yes.
- Q: All of them?
- A: Right, all three of them
- Q: Now when you were asked why you thought they were witches, you described an incident in which they were offering to make a love potion, but you didn't say then that you heard them call themselves witches. When did they call themselves witches?
- A: Well, you know, prior to, like I had never heard them say they were witches, but see, they, like Shiela, she had all these books on witchcraft, you know, we used to go to their apartment a lot, Sheila's apartment.
- Q: Did Sheila call herself a witch?
- A: On that day that they were going to make the love potion, they told my wife and I that they were witches.

Q: Now they are who?

A: The three of them said that they were witches, and they said that the could make a love potion that would bring Jimmy and Debbie back together.

Q: Would you give us, please, the full names of all those people?

A: Well, Sheila - I just know her by that name. I know Helen and Paul's wife - her last name was Bowman, but I can't think of her first name right now.

Q: And your brother-in-law?

A: Jimmy Cramada. C-r-a-m-a-d-o.

Q: And his girl friend?

A: His wife now.

Q: Well, before that?

A: Before she got married or what?

Q: No, just her first name.

A: Debbie.

Q: Have you had an occasion to talk to many of these people you've described as hippies?

A: Well, I've talked to several of them, a lot of them. My brother, one of my younger brothers, he - he is a senior in high school this year, - he lived with me. He associated with them a lot, you know, -

Q: And what do they normally call policemen?

A: Well, they normally refer to them as pigs.

Q: Most hippies use that term, do they not?

A: Either a fuzz or pig, the majority of them. They call anyone in the establishment a pig.

Q: Describe for us, please, the individual whom you've identified as being the driver of the Mustang that usually frequented that apartment?

A: You mean his eyes and stuff?

Q: Right.

A: He's about the - about six feet tall, about the same height as you. He was a little bit bigger in the shoulders, you know. He wasn't a

muscle man, but he was a well built man.

Q: He was about six feet tall?

A: Yes, sir.

Q: Now I show you A-31 again. You say that the hat looks familiar?

A: Right.

Q: And you say the hair was long and stringy as you see it there in that exhibit.

A: The blond wig was long and stringy.

Q: The blond wig was long and stringy?

A: Right.

Q: You say the eyes looked similar to this girl's eyes. Is that correct?

A: The eyes looks like hers.

Q: Now what characteristics of the eyes look similar?

A: Well, they're, you know, big and they're kind of round, round like hers.

Q: These eyes look big to you in the picture?

A: Right.

Q: You say the chin doesn't look right. Is that correct?

A: She has a chin - she has a chin like, you know, it comes up. She has a chin like that, but it was more noticeable than the drawing.

Q: And what about the nose?

A: Her nose is kind of big.

Q: Did you say that the cheeks were correct or that they were not correct?

A: The cheeks don't look too good.

Q: Is that a drawing of her, then, do you think?

MR SEGAL: That's objected to. It was asked whether it resembled - to purport it to be a copy of that person is an unfair question and is improper.

CPT BEALE: I agree. The witness has merely testified that this drawing either does or does not resemble a person. It can't purport to be the person, so the objection is sustained.



- Q: Now I show you Exhibit A-36. Why do you say that looks similar to the man who drives a Mustang?
- A: The way his hair is and the mustache and everything. He had kind of, you know, big eyebrows.
- Q: Those are the only similarities?
- A: Right. He - you know, the guy that drove the Mustang, he was a - a more conservative dresser than the others. He didn't dress sloppy all the time. He always wore decent clothes and he always - always wore fly away collars, never button down collars.
- Q: You are not sure that's the same Mustang that came there the 17th, are you?
- A: No, sir.
- Q: Was the address of this apartment that Helen and her friends lived on 1108 Clark, Apartment 3?
- A: It was either, you know, I never paid any attention, it was either 11 - well, mine was 11 6. It was 1108. 1108 or the other one, 1105.
- Q: Who is that landlord? Is that Mr Turner?
- A: Mr Turner, yes.
- Q: And you said this girl indicated to you that she had been interviewed by police on more than one occasion?
- A: Yes. She is the one that they had the write-up in the Fayetteville newspaper about. They had a - they had a thing there about her, and the one that they had questioned several times and she said that she admitted in the paper using drugs, stuff like this.
- Q: I see. To what law enforcement agency did you report this information concerning her coming in on the morning of the 17th?
- A: None.
- Q: You have never reported this to a law enforcement agency?
- A: No, sir.
- Q: When did you ever bring this to someone's attention other than your wife or your friends?
- A: Well, you know - what do you mean?

Q: When was the first time you told somebody other than your wife or maybe your friend about this?

A: I told Mr Segal, well, I, you know, Monday I work - I work for a lenin service, and Monday I was working at Heart of Fayetteville at which he was staying at and I heard, you know that I delivered to, she said the MacDonald lawyers were staying there, and she named the room. So later on that night, you see, since then it's always - I've stayed up quite a few nights thinking about it - and so I called and talked to them, and then I went to see them the next morning. He's the only one.

Q: How come you haven't told somebody before now?

A: Because I didn't want to get involved in it.

Q: You didn't want to get involved. What do you mean by that?

A: Well, when - I figured, you know, if they did it, and they did it to his family, that if they had any connection to it and they knew that I was the one, I saw her that morning, and she had anything to do with it, they would get me, get my family, and I, my wife, you know, she's the type that anything upsets her and so, we had several discussions over it, but we always decided not to say anything about it, just keep it to ourselves.

Q: How many jobs have you had since you worked for Bass?

MR SEGAL: That's objected to.

CPT BEALE: The objection is overruled. Answer the question.

A: I worked at Bass and then I quit Bass and my trade is painting signs and contracting, stuff like this, and I painted during the summer which is a good season, and then I just look up the lenin service job about last Saturday I started working for them, this past Saturday.

Q: Have you ever used drugs yourself?

A: Negative.

Q: There's been a reward offered for information in this case. Did you ever hear about that reward?

A: Well, you know, Mr Eisman mentioned it, I think, about the third time I talked to him, but after we - I had told him everything that I knew and I had heard it on the radio several months, you know, a few months back, but other than that one occasion when Mr Eisman spoke to me of it, well, you know, they said that, on the radio they say there was a reward but they didn't say how much, you know, I heard it one day and that was it.

CPT SOMERS: Sir, at this time, if we could, we'd like to take about a five minute recess. We may have some evidence we can use with this witness. I'd like to check on that.

COL ROCK: This hearing will recess temporarily.  
(The hearing recessed at 1000 hours, 13 August 1970.)  
(The hearing reopened at 1029 hours, 13 August 1970.)

COL ROCK: This hearing will come to order. Let the record reflect that those parties who were present at the break are currently in the hearing room.  
  
Mr Posey, I again remind you that you are under oath.  
  
Does counsel for the government have further questions at this time of this witness?

CPT SOMERS: I have no further questions of this witness, sir.

MR SEGAL: I have some matters on redirect, if I may, sir.  
  
Questions by MR SEGAL:

Q: Of the various persons you saw visiting this girl in her apartment, were they all members of the caucasian race, that is white persons?

A: No, sir.

Q: How many were non-whites?

A: There was only one colored guy that come over there pretty regular. In fact he was the only colored guy that I ever seen over there. The reason I remember him so well is that I'm from Alabama, you know, and my wife was in the kitchen one day cooking, and here he come be-bopping up, dressed like a hippie, mocs and boots and everything, it was really wild to see a colored guy, you know, in their group with them, right along with them.

- Q: The Mustang that you say the man with the mustache drove, was it any particular model of the Mustang automobile?
- A: It was the new Mach I they have out.
- Q: That's spelled M-a-c-h and the roman numeral one?
- A: Right, it was a Mach I.
- Q: What distinguishes that Mustang from the ordinary model of the Mustang?
- A: Well, it, you know, comes down kind of steamed - stream lined - and has this spiller in the back of it.
- Q: You say it comes down. Are you referring to the rear of the car where the trunk is - in a stream line fashion?
- A: Yes.
- Q: Can you describe what a spiller is?
- A: It's a - you know, kind of a square deal on the back on a Mustang. On a Mach it is kind of rounded off and comes down.
- Q: Would it be applicable to say something like a wing standing up on its head?
- A: No, it's not a wing type.
- Q: Is there anything else about the Mach I that is different from the ordinary Mach I - other ordinary models of the Mustang, rather?
- A: Well, they usually have a scoop, a black scoop on the front of them, and it has the Mach I on it, and if it is a 351 it has a 351 on it.
- Q: You say a scoop on part of it. What portion of the car are you talking about?
- A: On the hood.
- Q: On the hood? And what are the words on it?
- A: It has the words "Mach I".
- Q: I see. Now the car that you saw the girl come up in on the morning of February 17th, you described that also to us this morning as a Mustang. Am I correct?
- A: Right.
- Q: Did you observe whether, in fact it was any special model Mustang?
- A: It was a Mach I also, because it had the scoop on it.

Q: Was this girl who lived next door, the girl that you described as the girl who owned the floppy hat and the boots, to your knowledge, was she ever arrested for any crime?

A: She had been, you know, busted for dope several times.

Q: For dope. What do you mean? Do you know what she was charged with, what crime she was charged with?

A: Well, she was involved in one of the big acid rings they had here in Fayetteville and I think that was a little bit over a year ago.

Q: Do you know whether she was charged with either use or possession or sale of drugs?

A: Possession.

Q: Do you know whether she had any close friends who were members of the armed forces of the United States stationed here at Fort Bragg?

A: The majority of her friends were military in the Army.

Q: And were there any particular persons whom she was closed to or who, about whom she was concerned and the way the military was treating them?

CPT SOMERS: I object to this. It is irrelevant and it is way beyond the scope of any direct or cross examination.

MR SEGAL: It seems to me very close to the question of motive in regard to attitude toward the Army and the Army personnel in regard to drug arrest.

CPT BEALE: The objection is overruled. You may answer the question.

A: The only members of their family that, you know, got busted, there was three guys that got busted on . . . Street, who used to come over there all time, and all three of them was military, but two of them was getting discharged, and one of them got discharged and on the same day he got discharged, he got busted for LSD.

Q: That person who had LSD, to your knowledge, was he a soldier at Fort Bragg?

A: Yes.

Q: And do you know about what month that arrest took place?

- A: It was in, it was, you know, wasn't a long period of time before that case in February.
- Q: You mean it was not a long period of time before February 17th, 1970?
- A: Right.
- Q: Would you indicate whether it was more than a month, or less than a month, or what?
- A: It was within a month that he got busted.
- Q: What was her attitude or reaction to the fact that her friend has been arrested the day he was discharged?
- A: All of them was upset about it, you know. She was - he associated with all of them, but he didn't necessarily associate with her, you know, her specifically. They were all good friends.
- Q: Did she ever express what her attitude was toward the United States Army and Fort Bragg in particular?
- A: They all did that.
- Q: And what was the attitude?
- A: It stunk.
- Q: ~~That~~ was her view of the Army?  
(Witness nodded in the affirmative.)
- Q: You used the description a moment ago about something about the family. What does that mean? What relevance did it have to this young lady?
- A: Well, like before, before, you know they made a bunch of noise. They used to stay until one or two o'clock in the morning, making noise all night long, so I went and told Mr Turner, the landlord. I said - I told him, you know, there are more than them girls staying there. He said, well, there's only supposed to be two. So he come over there with me, you know, that night, and he went in there and he started kicking them out of their apartment, and he kicked something like ten or fifteen guys out and girls, and they had their bags, and they were all, you know, staying there. It wasn't just the three of them.
- Q: Did they have a name for themselves, these people that hung around with this girl? Were they good friends?

- A: I mean they were, you know, just considered themselves one big group, one big family.
- Q: Did they ever use the term "family" for themselves in describing their friends, that they were part of the family?
- A: You know, I never referred to them, you know, as being the family, but they said a lot of times, part of the group.
- Q: Did you observe any differences or changes in the attitude or behaviour of this young woman before - from the time before February 17th, and the time after February 17th 1970?
- A: Well, like before, she, she was always, you know, real gay and real happy, and like I'd come home from work and she'd say "Hi" you know, real loud and asked me how my day went and this type thing, but like night before last when I saw her she looked all run down and she, she keeps to herself more. She's not with the group, like night before last all the group was down at Rowan Park and she was up there by herself.
- Q: Did you observe that change in behaviour after February 17th?
- A: Well, I mean, you know, after that there wasn't no all night parties or anything going on over next door there. Everything was real quiet.
- Q: Did she continue to go or associate with this same young man who had been her boy friend before February 17th, as she did after -
- A: Not like she did before, you know, they were always together before but after that - in fact, I didn't even see him until, you know, just here recently. He didn't come over no more after that. The day that Mrs MacDonald was buried, he was over there.
- Q: Did you ever hear her talk about killing other human beings?
- A: Well, you know, like the night before last, I asked her, and we got to talking about the MacDonald thing and everything and I asked her, she told me she was stoned out, she didn't remember what she done, and I said, "Well, did you do it? Were you a part of it" and she says she doesn't know, she just drew a blank, but she said that she didn't think she could kill anyone because she wasn't that type of

person that, you know, was hostile, and I said "Well, you could have just been holding the light", you know, and she kinda, you know, just nodded her head and let it go at that. But she made a remark, I asked her, I said, how was her and her boy friend doing, and she said they weren't getting along too well, and I asked her why, and she said "Well, we can't get married until we go out and kill some more people." She made that remark.

Q: Now I want to back up for just a second in regard to what you just told us. Are you telling the investigating officer that two nights ago you asked this young lady directly whether or not she was involved in the killing in the MacDonald home?

A: Yes, sir.

Q: Now will you, better go over this quite slowing down - put the question, state the questions you posed to her, and tell us what she said, as much of her words as possible?

A: Well, you know, had been talking about it and I said, I asked her, had they questioned her any more about it, and she said no that she had been gone, she'd just got back in town, you know, and she told me that she was dying from hepatitis, kidney disease or something, and she said that she was supposed to die within a year, and so I asked her had they questioned her any more and she said no, and then I said, you know, I asked her if she was involved in it and she said she was stoned out on muscaline that night, and I said "Well, were you there? Did you do it?" and she said "I don't, you know, remember what I did that night." She said "I've been stoned on acid a dozen times" she said "But that night's the only night I can't remember exactly what I done" and so I says "Do you believe that you could have been involved in it?" and she <sup>said</sup> "Well, I don't believe that I could kill anyone because I don't have hostile tendencies." And I said "You could have just been holding the candle", and she kinda nodded her head.