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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
FAYETTEVILLE DIVISION

---

UNITED STATES OF AMERICA, )  
 )  
v. ) NO. 75-26-CR-3  
 )  
JEFFREY R. MacDONALD, )  
 )  
Defendant. )

---

TRIAL BEFORE  
THE HONORABLE FRANKLIN T. DUPREE, JR.  
UNITED STATES CHIEF DISTRICT JUDGE  
AND A JURY

---

AT RALEIGH: MONDAY, AUGUST 13, 1979

---

PAGES 4761-4883 TRIAL DAY <sup>seventeen</sup> SIXTEEN



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1 Let's have it in a clinical atmosphere.

2 THE COURT: If you can agree on  
3 some place to have the thing--why don't we do this:  
4 in the chambers of the other courtroom--totally vacant--  
5 it is comfortable down there. It is just like this  
6 place--just like mine.

7 MR. MURTAGH: That would be fine.

8 THE COURT: That is the place to do  
9 that.

10 MR. MURTAGH: If we could set it up for  
11 5:30, we could do that. That would be great.

12 MR. SEGAL: In view of the fact that  
13 you want to adjourn at a quarter of one--in view of  
14 Parkinson's Law--given all that time, we could fill it  
15 all up--may I ask to reverse our procedure? Let me  
16 hold off the argument on the Motion for Acquittal for  
17 a few minutes.

18 There is one--there are two side matters  
19 that need to be dealt with, one of which is our demand  
20 for Brady materials from the Government which apparently  
21 the Government is not going to at least agree with what  
22 we say are Brady materials.

23 That, of course, is quite important as we  
24 are on the verge of putting on our evidence. That is at  
25 least as important as the Defendant's Motion to Acquit.

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1 Secondly, we have here, under subpoena, the parents of  
2 Helena Stoeckley. We have been trying to locate her.  
3 In our effort to locate her, which has been futile up  
4 until now, we have subpoenaed them as to their knowledge  
5 of her whereabouts.

6 I am not particularly anxious to make them  
7 do necessarily all that explanation about what they don't  
8 know about their daughter necessarily in front of the  
9 crowd. I just have a feeling, having talked to them--  
10 on the other hand, I do need to put their testimony  
11 of record either before or after the luncheon break as  
12 to their knowledge or lack of knowledge of her  
13 whereabouts because, if we cannot find her, after such  
14 a diligent search, we will seek to have her deemed  
15 unavailable for the purpose of various 800 rules.

16 I only want some guidance, Your Honor, as  
17 to how you would think best we should proceed to take  
18 their testimony--certainly not done in the presence of  
19 the jury, I would think. That is a preliminary  
20 foundational matter Your Honor has to rule on.

21 THE COURT: You say you don't want  
22 the press to hear it either?

23 MR. SEGAL: I don't care. It is their  
24 feelings. I don't care, Your Honor. Probably it would  
25 be better if the world heard about it. Maybe somebody

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1 would go out and find her.

2 MR. BLACKBURN: Your Honor, may I respond  
3 to that? I gave Wade this morning at 8:30 the newest  
4 address which we had. It may be that all of  
5 this is rendered academic if they do find her.

6 MR. SEGAL: We have someone working on  
7 that. I would say there is some difficulty with the  
8 address that was given. There is some problem with  
9 whether that number exists. We are working on it. All  
10 I want to say is that we have an obligation to make a  
11 record as to our efforts.

12 One of them is, of course, we have made  
13 repeated efforts at her home, and we need to preserve  
14 that, and I am only asking some guidance. As a matter  
15 of fact, Your Honor, I don't care whether we do it in  
16 open court. I don't care if we do it in an informal  
17 session where we show up a few minutes early or later.

18 I am just asking for the Court to give me  
19 some direction, but I must do it. I want to release  
20 these people when we are through with them so that they  
21 can go back to their home.

22 THE COURT: How long will it take you  
23 to produce that evidence?

24 MR. SEGAL: I think five or six  
25 minutes questioning. They say they have not seen her

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1 but once in months and where they thought she was or  
2 give us the address--and a couple of questions of  
3 whether they have sent her mail or money some places.

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4 MR. MURTAGH: Your Honor, it would seem  
5 that whether the parents know where she is or not is  
6 irrelevant as to whether the Defense has been able to  
7 locate her and serve her with a subpoena.

8 MR. SEGAL: That is not our whole  
9 problem.

10 THE COURT: Well, now what he wants me  
11 to do--he wants me to do for him what I have just done  
12 for you. You want to accommodate your psychiatrists;  
13 he wants to accommodate two witnesses.

14 MR. MURTAGH: We have no problem with  
15 the accommodation of the witnesses, Judge.

16 MR. SEGAL: I might say, by the  
17 way, the only reason they are here is because that is  
18 the address that the Government gave us with their list  
19 three days before trial which is her parents' address.  
20 That is why they are being brought here.

21 MR. MURTAGH: That is the last place I  
22 saw her, Judge--was her parents' address.

23 THE COURT: Well, is this woman under  
24 subpoena?

25 MR. MURTAGH: Not by us.



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THE COURT: Why not?

MR. MURTAGH: Judge, she can't testify to anything. She thinks she was involved and that's it.

THE COURT: But you have been aware for five years that the Defendant was going to try to get her testimony in if she was not available.

MR. BLACKBURN: We have been trying to locate her. Because of that very reason, we are not going to stand up and argue we cannot locate her and not have her in the trial. We know that two weeks ago-- because Wade himself remarked to me a couple of days ago that she was in Dorothea Dix Hospital at some time.

She simply moves around. We had the FBI looking most of last week trying to locate her solely for this reason. In other words, a subpoena issued maybe three months ago might not have helped because God knows where she is recently.

MR. SEGAL: I don't think anybody is hiding her out. I think she is a difficult witness to find. There is no question about it. I think the address we had been given in '75 and '79 was her parents' address; that is the best anybody has.

We have her brother's address now. We have been up to his home. She's been in and out of there. All I want to do is simply--I think we have to make



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some other proofs about her unavailability. I don't consider this to be total and complete. I intend to make some other proofs. I just want to put it on the record so that everybody knows that there has been an effort made to do it right.

I just wanted to find out how to deal with these witnesses. They are not truly my witnesses. I don't care if they sit all day, but they are human beings in a painful situation. Just whatever Your Honor says I will abide by it in that regard.

THE COURT: Well, if their testimony has to be taken, we will take it at 4:30 this afternoon. We will just recess the court at 4:30.

MR. SEGAL: I will tell them they are excused until then, Your Honor.

(Bench conference terminated.)

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FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
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UNITED STATES OF AMERICA, )  
v. ) NO. 75-26-CR-3  
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Defendant. )

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TRIAL BEFORE  
THE HONORABLE FRANKLIN T. DUPREE, JR.  
UNITED STATES CHIEF DISTRICT JUDGE  
AND A JURY

---

AT RALEIGH: WEDNESDAY, AUGUST 15, 1979

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PAGES 5244-5493 TRIAL DAY NINETEEN

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T A B L E O F C O N T E N T S

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>VOIR DIRE</u>
<u>FOR THE DEFENDANT</u>				
<u>DR. JOHN THORNTON</u>				
By Mr. Murtagh		5249-5290 5318-5331		
By Mr. Segal	5302-5318		5296-5301 5331-5332	
<u>DR. GEORGE PODGORNYY</u>				
By Mr. Smith	5333-5370		5400-5404	
By Mr. Blackburn		5371-5399		
<u>CHARLES B. MORTON</u>				
By Mr. Segal	5405-5415 5417-5434		5444	
By Mr. Murtagh		5434-5443		5415-5416
<u>JAMES MILNE</u>				
By Mr. Smith	5445-5463		5485	
By Mr. Blackburn		5463-5485		
By The Court (Exam)	5485-5486			
<u>BENCH CONFERENCES</u>	<u>Pages</u>	5256-5259		
		5291-5295		
		5305-5306		
		5382-5383		
		5488-5491		

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## T A B L E O F C O N T E N T S (Continued)

## E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>RECEIVED</u>
<u>DEFENDANT</u>			
67	Photo, flower pot	5304	
68	Report to FBI by Stombaugh	5318	
69	White flower pot	5332	
70	Broken white flower pot	5332	
71	Torso of a body w/display of lungs	5344	
72	Life-size body chart	5349	
73	X-rays, chest area	5361	
74	X-rays, chest area	5361	
75	X-rays, chest area	5363	
76-79	X-rays, chest area	5366	
80	Blow-up picture of front yard	5459	
81	Blow-up, photo of print ridges on blue sheet	5422	
82	Photo w/print ridges on blue sheet	5422	

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FURTHER PROCEEDINGS 9:30 a.m.

THIS CAUSE came on for further trial before The Honorable Franklin T. Dupree, Jr., United States Chief District Judge, and a jury, on Wednesday, August 15, 1979, at Raleigh, North Carolina.

(The following proceedings were held in the presence of the jury and alternates.)

THE COURT: Good morning, ladies and gentlemen. I say, welcome again to the Honorable William H. Bobbitt, Chief Justice Emeritus. I am not sure that the jury met you yesterday, so I wanted to reintroduce you, sir. We are honored to have you with us again.

Any further evidence for the Defendant in the case? You had some more questions, did you?

MR. MURTAGH: Yes, sir.

(Whereupon,

DR. JOHN I. THORNTON

the witness on the stand at the time of recess, resumed the stand and testified further as follows:)

(Go to the next page.)



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CROSS - EXAMINATION 9:31 a.m.  
(resumed)

BY MR. MURTAGH:

Q Dr. Thornton, yesterday, I believe, when you were describing on direct examination your experiment involving the pajama top--or, I'm sorry, a piece of dacron polyester on the sled. You described, I believe, the object on this sled and then tied by two pieces of cord; is that correct?

A No; to be precise, first of all, I did not say it was dacron polyester. That is a trade name. It was polyester cotton. The cloth was tied by three cords to the sled.

Q And was the sled secured at either end by two pieces of clothesline?

A That's right.

Q Was one piece of clothesline anchored at the other end of a table?

A Yes.

Q And the other end was held by the person who assisted you?

A Yes.

Q And it was whipped back and forth in what I believe you described as a harmonic-type motion?

A Well, the whipping back and forth of the hand



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1 would result in the target in a harmonic oscillation;  
2 yes.

3 Q Could you describe, sir, what you mean by  
4 "harmonic motion"?

5 A Harmonic motion is a term from physics.  
6 Actually, it is defined from the standpoint of the energy  
7 of a moving object as it is displaced from a fixed point.  
8 In very simplistic terms, it is the movement back and  
9 forth in which the maximum velocity would be at the cen-  
10 ter of the traverse. And at each end of the traverse the  
11 velocity would be zero.

12 Q Would it be accurate to describe it as a  
13 curve, something like what I have just done with my hand?  
14 In other words, are there peaks and valleys in the amount  
15 of velocity of the object?

16 A Yes.

17 Q Is it accurate to say that in conducting your  
18 experiment, the sled rested on a table at all times?

19 A Yes.

20 Q And when the motion was back and forth, it  
21 was lateral; is that correct?

22 A Yes.

23 Q Did you whip the sled up and down?

24 A No.

25 Q Would it be accurate to say that the sled was



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on a flat plane at all times?

A Yes.

Q Did you actually plunge the ice pick into the---

A (Interposing) Yes.

Q ---in the sled?

A Yes.

Q Would you describe by using your hands what motion you used?

A Yes; I stood over the target. I knew where the center of the traverse would be, and I would put the ice pick directly over the target at a very short distance, so that I could assure that I would hit the target close to the center of the traverse. And then I would stab into the end of the cloth as the sled would travel underneath.

Q Okay; and I believe you explained on direct examination--well, let me show you your chart, if I may. Let me hand you Defendant's 66, and let me borrow the pointer, if I may. What does this material beneath the double line represent?

A The target material.

Q Could you tell us what that was on your experiment?

A Ham.



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1 Q You mean, you took a piece of ham?  
2 A Yes.  
3 Q You mean, like in a ham sandwich?  
4 A Yes.  
5 Q Okay; I'm sorry. And did the ham absorb the  
6 thrust of the ice pick?

7 A Yes.  
8 Q You found no torn areas when you did this?

9 A No.

10 Q Would it be accurate to say that the ham pre-  
11 vented the fabric from tearing? Do you understand my  
12 question?

13 A Yes; but I don't see a connection, or a nec-  
14 essary connection with the ham. The ham is a resilient  
15 material and capable of a certain amount of deformation  
16 that I think, in part, explains the fact that the holes  
17 are circular in appearance following the conclusion of  
18 the experiment. I think any resilient material would be  
19 similar.

20 Q Would it be accurate to say you used ham be-  
21 cause under laboratory conditions it was the closest  
22 thing to a human body that you could come up with?

23 A Yes.

24 Q And so this ham, which--I understood you to  
25 say yesterday "tissue," and I thought you were referring

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1 to like Kleenex. But when you said "tissue," you were  
2 referring to the ham itself?

3 A Yes.

4 Q That absorbed the ice pick to approximately  
5 what depth? Is there a scale representation here?

6 A No; I did not determine that. I would esti-  
7 mate it at probably two inches.

8 Q In other words, your thrust would penetrate  
9 into the ham for approximately two inches?

10 A Yes.

11 Q Did the ham absorb the thrusts, so that when  
12 the material was being whipped back and forth it sup-  
13 ported the material and it prevented it from tearing?

14 A Well, it absorbed some of the energy. I  
15 don't think that that is the determinative factor in con-  
16 ducting the demonstration. I think that probably was the  
17 manner in which I would stab down and then pull the ice  
18 pick back up.

19 Q In your opinion, Dr. Thornton, without a ham  
20 or some other object like a human body beneath the fab-  
21 ric--if it were unsupported and moving back and forth--in  
22 your opinion, sir, would there be tearing?

23 A No; I think that interpretation, really,  
24 would be a perversion of this particular experiment. The  
25 experiment was designed to answer a question, which is

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whether or not a circular hole in the fabric necessarily means that the fabric was stationary.

Q I thought I understood you to say on direct examination that the unsupported fabric--and I believe one of your photo macrographs showed a torn hole; is that correct?

A Yes.

Q Did that torn hole result from an unsupported piece of fabric being stabbed?

A Yes.



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1 BY MR. MURTAGH:

2 Q Okay, now, with regard to---

3 A (Interposing) I don't mean to contribute  
4 to any confusion here. This outline is what I consider  
5 to be a plausible explanation for my observed results.  
6 The question of the support versus non-support is really  
7 another matter, and supporting the fabric I can make  
8 some what I consider to be reasonably valid assumptions  
9 in designing the experiment.

10 When we turn to unsupported fabric, then  
11 I am not sure how I would approach the design of the  
12 experiment.

13 Q Let me ask you a question: assume  
14 hypothetically that someone is wearing the pajama top,  
15 Exhibit 101, and I think yesterday on cross-examination  
16 I showed you that there are numerous puncture holes in  
17 the back of it; is that correct?

18 A Yes.

19 Q Okay, so let's assume that somebody is  
20 wearing that and that the garment has some tension on  
21 it. In other words, that the back is somewhat bowed.  
22 And that that person is being stabbed violently with  
23 an ice pick. In your opinion, sir, would that produce--  
24 would that necessarily produce torn areas in the pajama  
25 top?

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1 A Certainly punctured areas. Torn areas--  
2 I don't know. I really can't speculate as to the  
3 factors that would be involved in something like that.

4 Q Would it, in your opinion, sir, produce  
5 puncture areas in the back of the person that was  
6 wearing it?

7 A Again, I don't have any way to tell--of  
8 making a determination.

9 Q Now--excuse me--let me get back here with  
10 the pointer. Dr. Thornton, with regard to your test  
11 prints of the handprints of which you showed the  
12 slides.

13 THE COURT: Mr. Murtagh, if you are  
14 going to another subject, I was going to call a little  
15 bench conference myself right now. We haven't had one  
16 this morning.

17 B E N C H C O N F E R E N C E

18  
19 THE COURT: Gentlemen, first off,  
20 and this is not why I got you up here but it is  
21 something that is on my mind so I am going to tell you:  
22 all these experiments and all this examining and  
23 cross-examining and so forth--it is interesting and  
24 it is technical and it may be going somewhere. But,  
25 for whatever it is worth, I think this case is going

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1 to rise or fall on one thing and one thing alone  
2 and that is whether or not this jury buys the  
3 Defendant's story as to what happened.

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4 That is all there is in this case. We  
5 have been here five weeks, and that is still all there  
6 is in this case. I just make that as an observation.  
7 The jury--I have done my best to keep them in line and  
8 up to now they seem pretty good and happy, but I warn  
9 you that somebody could be prejudiced by unnecessary  
10 dragging of the case out.

11 That is not to say I won't let everybody  
12 have his full say. I will do it if I can. What I  
13 really got you up here for is to talk about this  
14 Stoeckley problem. I understand she is in custody.  
15 I understand that she can be kept like that for 72  
16 hours without being let out.

17 Now, as far as finding her and making her  
18 available is concerned, I think the Court has done  
19 about all it can do. I suggest to you that you ought  
20 to get your evidence so scheduled as to accommodate  
21 this particular thing rather than run the risk the next  
22 time she goes that she can't be found by anybody.

23 So, now that she is available, I think that  
24 moots the question of whether or not we can take up  
25 secondary evidence of what she would have said, and I don't

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1 think in this kind of case—if she is available—it ought to be  
2 done. My feeling about that is that, having made her  
3 available, that you must now avail yourself of her  
4 availability.

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5 MR. SEGAL: I absolutely agree that  
6 it is our desire to do that. We need to know, however,  
7 Your Honor--you say she is in custody. Is she in  
8 custody here in Raleigh or is she in Greenville?

9 LAW CLERK: She is in custody in  
10 Greenville---

11 THE COURT: (Interposing) Greenville,  
12 South Carolina.

13 LAW CLERK: ---and they are ready  
14 to transport her here.

15 MR. BLACKBURN: Pickens County jail is  
16 what I have been told.

17 MR. SEGAL: Well, Greenville is  
18 about three hours--two and a half hours.

19 THE COURT: More than that. It is  
20 three hours comfortably to Charlotte, and Greenville  
21 is almost that same distance the other side.

22 MR. MURTAGH: Do you know who runs the  
23 Police Department in Greenville? Paul Stombaugh.

24 MR. SEGAL: Maybe he will drive her  
25 down for us. Your Honor, I understand she has been

1 taken into custody pursuant to a warrant as a material witness  
2 in this case. I would request that she be brought here  
3 forthwith to Raleigh and, as soon as she is here and  
4 we have a chance to interview her, we intend to call  
5 her as a witness. That is my request and if I can be  
6 notified---

7 THE COURT: That is all we needed to  
8 know. Just tell the magistrate that there is no bond  
9 and just bring her here and make her available to the  
10 Defense counsel.

11 LAW CLERK: He is awaiting word from  
12 our office.

13 MR. MURTAGH: I will try and be brief,  
14 Your Honor.

15 (Bench conference terminated.)

16 BY MR. MURTAGH:

17 Q Dr. Thornton, let me repeat my question.  
18 With respect to your test handprints on the fabric  
19 that you used. What position, sir, was the cloth in  
20 when you put your handprint on it?

21 A In various configurations. Some of the  
22 series--several series of the experiments were con-  
23 ducted with the cloth on a flat surface with my hand  
24 pressed down on it. Other series were conducted in  
25 which I would put my hand over the cloth which was



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**Joe McGinniss**

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**FATAL  
VISION**

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Author's Note

In the interest of protecting the privacy of individuals whose real identities are not central to the true story told here, certain names and other descriptive details have been altered in several instances.

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**Fifth Impression**

## FATAL VISION / 527

and eager to testify about how, nine and a half years earlier, Helena Stoeckley had joked to him about her icepick and had said that in her mind she thought she might have been at 544 Castle Drive while the murders were being committed.

Then word was received that Stoeckley herself had been located: hiding in the back of a trailer on the outskirts of Walhalla, South Carolina. She was immediately transported to Raleigh in the custody of federal agents.

At four minutes before ten o'clock on the morning of Thursday, August 16, 1979—exactly one month after the trial of Jeffrey MacDonald had begun, and nine and a half years, to the day, since Monday, February 16, 1970—a day which had ended with her taking mescaline in her driveway on Clark Street in Fayetteville—Helena Stoeckley, escorted by a U.S. marshal, walked into a small office on the ninth floor of the Federal Building in Raleigh, where Bernie Segal was waiting for her, hoping to persuade her to confess.

She was neatly, even demurely attired in white shoes and a floral print dress. Her hair was black, her complexion sallow. She was many pounds overweight. Her eyes were dull and her thin lips unexpressive. She spoke in a soft voice almost entirely devoid of affect. Her left arm was in a cast. It had been broken in Cincinnati, two weeks earlier, when someone had hit her with a tire iron during a dispute involving narcotics. Her fiancé, Ernest Davis, whom she had met in the drug rehabilitation center in Columbia, South Carolina, paced barefoot, unwashed, and unshaved in a small corridor outside the office.

For almost a decade, in Bernie Segal's mind, Helena Stoeckley had been a figure of near-mythic proportion. Now here she was, three feet from him, politely declining his offer of coffee and doughnuts. She would, she said, be grateful for a can of diet soda.

Segal began to speak in a voice so quiet and so gentle that it was as if Helena were sleeping and he did not want to risk awakening her. Yet there was an almost painful intensity to his tone. This woman, he believed, had the power to set Jeffrey MacDonald free and to provide Segal with the greatest triumph of his career. His first words were like surgical instruments. Utilized with the utmost skill and delicacy, they might enable him to stride forth from this room and announce to the judge and the jury—and the press—that there was no need to proceed further with the trial: one of the real killers had just confessed.

Segal had, at his side, an album containing photographs of

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the crime scene. He placed it on a table before Stoeckley. The first picture was not a particularly horrid one: all it showed was a portion of the kitchen of 544 Castle Drive. There was a calendar hanging on a wall. The top page of the calendar said February 1970.

"See that, Helena?" Segal said softly, leaning so close to her that he could have put his arm around her if he'd desired. "See that calendar? It has been there for nine years. Waiting. Waiting for somebody to tell us how this story should end."

She stared at the picture. There was absolutely no change of expression on her face. She took a sip of diet soda.

"I can't help you," she said tonelessly. "I wasn't in that house. I didn't have anything to do with any of this."

Bernie Segal began to shake his head. "No, Helena. That won't do. You can't get away with that anymore. It's got to end. We are at trial now. The time has come. I'm serious, Helena. You *were* in that house. I know it and you know it. Now let's talk about it. Don't go on punishing yourself."

She stared at the floor, shaking her head, still with no change of expression. "I don't know what you want to know. I was never in that house."

"Helena, believe me," Segal said. "If you talk to me here, if you tell me what happened, I can make this very short and painless. Helena, you can put it behind you forever. Now, for your own conscience. And for the sake of that man in the courtroom. That man who has been made to suffer unjustly for nine years.

"And, Helena, you will not be prosecuted. Nothing will happen to you. That I can promise you. The statute of limitations has expired. This is the end, Helena. Right now. Right here. All you have to do is talk to me."

For the first time, Stoeckley looked directly at Bernie Segal. "I can't help you," she said. "I can't tell you things I don't remember."

For nearly two hours, Segal persisted. His tone changed from soothing and protective to harsh and demanding and back again. It made no difference. He might as well have been a morning quiz show. Stoeckley was tuned to his station but she was only a viewer, nothing more. There was nothing he could do or say to move her.

"Helena, people have gone to the electric chair for having said *one-tenth* of what you've said about this case! *I've got six witnesses!* People to whom you've already confessed! They're waiting in the next room. One after another, I'm going to put

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them on the stand and have them tell the jury what you've told them. Then, by law, I have to put you on the stand."

She looked at him coolly. In silence.

"Helena, the choice is yours."

"I can't help you."

"Helena, remember what you told Jane Zillioux? 'The blood . . . the blood . . . I remember the blood on my hands!'"

She shook her head. "I don't remember ever saying that."

"Do you think Jane Zillioux is lying?"

"I didn't say that. I just said I don't remember saying that."

Still, there was no inflection, no spark—not even of resentment—in her voice. "Do you realize how much drugs I've taken since that happened? I'm not gonna sit there and say yes to things I didn't say, or things I don't remember saying. Besides," she said, "how do you know he's not guilty?"

Segal returned to the albums of crime scene and autopsy photographs. He turned to a picture of Kimberly. A picture that showed the fracture of her skull and the piece of cheekbone protruding through the skin of her face.

"That was his flesh and blood, Helena. What kind of father could do that to his own flesh and blood?"

"Somebody on drugs could do something like that. Not acid. Maybe speed. Did they do blood tests on him right away?"

"Yes, Helena. They did blood tests. There were no drugs, there was no alcohol."

"Has he been given psychiatric evaluation and everything?"

"Yes, Helena, he has been given all of that." Segal flipped to a picture of Colette. "Look at his wife, Helena. Look at this picture. Her jaw was broken. Both of her arms were broken. Her skull was fractured right down the middle. She was stabbed—with a knife, with an icepick—dozens of times. Helena, that was the work of a repulsive, crazy person. Dr. MacDonald is a normal, decent human being. Even the Army psychiatrists who examined him agreed to that."

Segal turned to a picture of Kristen. A colored picture, taken before the body had been removed from the bed. The bright red of her blood filled the room.

"Only somebody crazy or whacked out on drugs could have done something like that," Stoeckley said. "I don't know what anybody else is capable of, but I know I'm not capable of that."

"Helena, no one is asking you to say that you did that. You will not be touched. I promise you. You will not be indicted, ever. All you have to say is you were there, holding the candle."

*JOE McGINNISS / 530*

Saying, 'Acid is groovy.' You don't remember hurting anybody. Then you ran out the back door."

He turned to another picture of Kimberly. "Helena, help us end it. I beg of you. Look at this child's face. For God's sake. To accuse the father of these babies of having done that to them . . . Helena, look at this! Look at this one. Smashed with a club. Come on, Helena, how much longer will that man have to sit there, accused of something so monstrous. You have it in your power, Helena, to end it. Right now. Otherwise, Helena, I guarantee you: I am going to take you into court."

"If I could remember," she told him, "I would say."

Segal stepped into an adjacent room, where his other witnesses had been waiting. One by one, like the ghosts of Christmas past, he brought them in to confront her with the things she had said to them years before. Beasley. Gaddis. Zillioux. Underhill. The polygraph man, whose name was Brisentine. And finally her ex-neighbor, Posey.

None of it mattered. She said hello. She said, nice to see you, how've you been? But whenever they asked her about the MacDonald case, she said "I don't remember any of that."

One by one, the witnesses trooped out of the room. Segal was admitting defeat. There would be no dramatic announcement. There would be no news bulletins on TV. No eight-column headlines across page one. There would just be a truculent, uncommunicative, apathetic witness—thirty pounds overweight and looking far less menacing than pathetic—telling the jury she didn't remember a thing.

Now, too late, Bernie Segal realized he would have been better off if she'd never been found. Much easier to have conjured up the image of a drug-crazed and murderous hippie from the distant and dangerous past and to have the jury seize upon that as an explanation than to present them with this burned-out woman and expect them to believe that she had ever stood over a couch on which Jeffrey MacDonald had been sleeping and had held a candle beneath her face while chanting, "Acid is groovy . . . Kill the pigs . . . Acid and rain . . ."

Segal left her, in the company of her fiancé, the barefoot and bedraggled Ernest Davis, while he went to inform the judge that he had completed his witness interview and that he was prepared for the trial to resume.

It was now lunchtime. Helena Stoeckley had been given bologna sandwich. She sat quietly, placidly, chewing her food and slowly turning the pages of the crime scene and autopsy photo albums, as if she were browsing through a movie magazine.

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\* \* \*

On the witness stand, under oath, Helena Stoeckley denied that she had ever been found by a psychiatrist to be mentally ill or that she had ever been committed to a mental institution. This was, of course, untrue. She had been a psychiatric patient at the University of North Carolina medical center in the spring of 1971 and had been diagnosed as a paranoid schizophrenic, subject to delusions and hallucinations.

In describing her educational background, Stoeckley said she had attended Aquinas Junior College in Nashville during 1971 and 1972 and had studied police science there. In 1974, she said, she had taken a six-month operating room technician's course at a Fayetteville hospital. In 1975, at Daytona Beach Junior College, she said, she had taken nursing courses.

She then described the extent of her narcotics addiction during the early months of 1970. She had been injecting heroin and liquid opium intravenously six to seven times per day. She had also smoked marijuana and hashish on a daily basis; had consumed LSD "almost daily," and mescaline "about twice a week," in addition to using barbiturates and "angel dust."

On Monday, February 16, 1970, she had followed her usual pattern of drug consumption, topping it off with the tablet of mescaline given to her in her driveway by a soldier from Fort Bragg named Greg. She recalled reentering her apartment after having consumed the mescaline but said she remembered nothing after that until her return to the apartment at about 4:30 or 5 A.M., in a blue car with "two or three" soldiers from Fort Bragg. She said she could recall neither the owner of the car nor any of the other passengers.

She said she did not recall ever telling anyone that she thought she might have been involved in the MacDonald murders—only that she could not remember where she had been during the time that the murders had taken place. She added: "All I said to the CID whenever I talked to them was I didn't know where I was at that time."

This was by no means the startling testimony for which Bernie Segal had been hoping. It seemed, in fact, actively harmful to his case. Segal lost further ground when, on cross-examination, Jim Blackburn extracted from Stoeckley the remark that she had worn her blond wig "infrequently," and that she had not been wearing it on the night of Monday, February 16, because Greg, who had given her the mescaline, did not like it.

She also said she had never been inside 544 Castle Drive and that she had never seen Jeffrey MacDonald until that very morning when she had entered the courtroom to testify.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
FAYETTEVILLE DIVISION

---

UNITED STATES OF AMERICA, )  
 )  
v. ) NO. 75-26-CR-3  
 )  
JEFFREY R. MacDONALD, )  
 )  
Defendant. )

---

TRIAL BEFORE  
THE HONORABLE FRANKLIN T. DUPREE, JR.  
UNITED STATES CHIEF DISTRICT JUDGE  
AND A JURY

---

AT RALEIGH: THURSDAY, AUGUST 16, 1979

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PAGES 5494-5507 TRIAL DAY TWENTY



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(The following proceedings were held in the presence of the jury and alternates.)

THE COURT: Good afternoon, ladies and gentlemen. Where is Murtagh?

MR. BLACKBURN: He left the legal document in the restaurant and had to go back and retrieve it.

THE COURT: Gentlemen, I will entertain a report from you on the status of your interrogation of a witness who was not available to either side until this morning at 9:00 o'clock and the question of which witness now apparently by one side or the other or both seems to be in and about its third hour. Are you ready to proceed in this case?

MR. SMITH: Your Honor, let me express the thanks of the defense for the Court's indulgence and the jury's indulgence this morning as we have had an opportunity to talk with this witness who has, indeed, been unavailable to either side for a long period of time.

We have almost concluded our discussions with the witness and will be in a position very shortly to turn the witness over to the Government if the



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1 Government desires to talk with the witness. We  
2 will leave any remarks to Mr. Blackburn about that.

3 THE COURT: Will it take any par-  
4 ticular degree in education in the guess that you  
5 would want to talk to her?

6 MR. BLACKBURN: No, sir; I don't think it  
7 would.

8 THE COURT: Members of the jury,  
9 counsel have conferred with the Court since you were  
10 released this morning, and because of the situation  
11 which they have stated here just briefly, it appears  
12 that this witness who was just the first time in  
13 Raleigh this morning around 9:00 o'clock as I under-  
14 stand it and considered by both sides to be a very  
15 important witness in the case--I know nothing about the  
16 witness--but I have acceded to the request of counsel  
17 for both sides that they be entitled to continue and  
18 complete their interrogation of this particular witness  
19 before any other evidence, which I understand was, in  
20 fact, dependent upon the foundation to be established  
21 by this particular witness. Is that so, Mr. Smith?

22 MR. SMITH: Yes, sir.

23 THE COURT: I know you were not  
24 paying attention, but is that so?

25 MR. SMITH: Whatever you say, Your



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Honor.

THE COURT: So, with a considerable amount of reluctance and also with the Court's most sincere apologies to you, I have concluded to recess the Court since we had to recess early this afternoon because of another matter involving another trip to the crime scene--so, I am going to recess the Court until tomorrow morning at 9:00 o'clock. You will get the afternoon off.

I say again that I am somewhat taken aback by this development. I am sorry that we have to do it, but having spent this much time in the case, of course, I did not feel in all fairness that we should put counsel immediately to the production of testimony from this particular witness.

It is also sort of a unique experience. You may be aware that we keep to our schedule pretty closely. We start on time and try to stop on time. That has been a policy of this Court--a procedure adopted right from the first time of its coming here to hold Court because the Court is very solicitous of the comfort, convenience, and welfare of jurors. I say again as I so frequently say, there is no more important, higher, nobler duty and responsibility of citizenship than that of service on our juries. And I



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1 I will commend you again for the very fine way in  
2 which you have accepted this awesome responsibility in  
3 this particular case.

4 I feel that I detect that you have maintained  
5 attitudes of cheerfulness and I know it has been not  
6 without considerable inconvenience to some of you, but  
7 you are discharging the duty in the finest traditions  
8 of jury service and in the administration of justice.  
9 If there is nothing further then to come before us this  
10 afternoon, the Court will be recessed until tomorrow  
11 morning at 9:00 o'clock.

12 MR. SEGAL: After the jury is  
13 excused, I have a brief administrative matter, Your  
14 Honor.

15 THE COURT: Oh, yeah, the Court  
16 never stops work, but I don't want to keep these  
17 jurors here any longer, so we will let you retire until  
18 tomorrow morning at 9:00 o'clock. We will go back on  
19 our regular Friday schedule--witness or no.

20 (Jury exits at 1:08 p.m.)

21 THE COURT: You gentlemen have  
22 something scheduled to entertain the big audience we  
23 have this afternoon for a while?

24 MR. SEGAL: No, Your Honor.

25 THE COURT: I feel like they have been

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1           cheated, too.

2                           MR. SEGAL:                   I can tell Your Honor

3           and then you can decide how we should proceed. The

4           witness whose problems have caused our delay today was

5           taken into custody pursuant to a material witness

6           warrant that was issued upon my request. We have

7           interviewed the witness. The Government intends to

8           interview her.

9                           She and a man who identifies himself as

10          her fiance are concerned about the necessity for her

11          continued confinement pending the disposition of her

12          appearance here. They have made a request to me and I

13          have had occasion to speak to a witness who I think may

14          be somewhat helpful and who knows Ms. Stoeckley well.

15          That is former Fayetteville Police Detective Mr. P. E.

16          Beasley. Mr. Beasley is here.

17                          What Ms. Stoeckley has asked and Mr. Davis,

18          her fiance, have asked is that we consider asking the

19          Court on her behalf to lift the warrant. We will serve

20          her with a subpoena and that she will, if brought into

21          Court or otherwise, she and her fiance have both

22          promised that they would appear.

23                          Mr. Beasley, former Detective Beasley knows

24          Ms. Stoeckley for something like 20 years--ten years,

25          Your Honor. Perhaps his view on the matter would be



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1 worthwhile. He has said, if I can represent, that he  
2 believes that having given her word both to Mr. Beasley,  
3 herself, and to the Court, if necessary, that a subpoena  
4 would assure her appearance hereafter. I don't mean to  
5 release her prior to being interrogated by the  
6 Government. I am of the opinion myself---

7 THE COURT: (Interposing) Let me  
8 just say in that connection that I will not release her  
9 until both sides have had a full and fair opportunity.  
10 That is why we are taking this day off that started out  
11 as a 30-minute request. I extended it to 45 and then  
12 an hour and 15 and now it is all day. But surely, we  
13 are not going to let this witness go until both sides  
14 have had ample opportunity to talk with her.

15 MR. SEGAL: The request is whether  
16 she needs to continue to be lodged in prison pending  
17 her testimony or her final release by anybody in the  
18 case. I must say, Your Honor, that I have talked with  
19 her fiance, and I would suggest to the Court that  
20 perhaps the best way to decide the request--and certainly  
21 we would be happy to hear it--would be perhaps to hear  
22 from former Detective Beasley as to whether he  
23 thinks the representations made that she will appear  
24 are worth anything and whether the Court should consider  
25 that.



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1 THE COURT: Well, let's inquire  
2 of him if he would be willing to have this witness  
3 paroled into his custody for 24 hours.

4 MR. BLACKBURN: Judge, I would like to  
5 be heard on this.

6 THE COURT: I am going to hear you.

7 MR. SEGAL: Shall we swear the  
8 witness, Your Honor?

9 THE COURT: No.

10 (Whereupon,

11 P. E. BEASLEY

12 was called as a witness, was examined, and testified as  
13 follows:)

14 D I R E C T E X A M I N A T I O N

15  
16 BY MR. SEGAL:

17 Q Will you state your name, please, in a  
18 loud clear voice?

19 A P. E. Beasley, Fayetteville Police Depart-  
20 ment, formerly.

21 Q How do you spell your last name?

22 A B-e-a-s-l-e-y.

23 Q How long were you with the Fayetteville  
24 Police Department?

25 A Twenty years.

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1 Q Did you serve in the Narcotics Division  
2 the main part of that time?

3 A Yes, I did.

4 Q How long was that?

5 A About five years.

6 Q Did you know Helena Stoeckley, the witness  
7 who we are referring to, during the time that you were  
8 a police officer?

9 A Yes, I did.

10 Q Without going into details, did you have  
11 frequent contacts with her and have frequent knowledge  
12 of her?

13 A Yes, I did.

14 Q You were present, were you not, this  
15 afternoon in the conference room when she and Mr. Davis  
16 made the request for her release; were you not?

17 A Yes, sir.

18 Q At that time, you asked her whether she would  
19 assure you personally that she would appear?

20 A I asked her.

21 Q What is your opinion of such a promise that  
22 she would appear based upon your experience with her?

23 A I think if she said she will, she will.  
24 She has always given me true information. I never had  
25 any reason to doubt her.

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1 MR. SEGAL: I think without going  
2 into detail, it is fair to say that Detective Beasley's  
3 knowledge of her was quite extensive. He had many  
4 contacts with her over the period of years that he  
5 knew her.

6 BY MR. SEGAL:

7 Q You have talked with her since 1970; have  
8 you not?

9 A Yes, I have, on numerous occasions.

10 MR. SEGAL: Is there any information  
11 that the Court or the U. S. Attorney would like to  
12 ask of Mr. Beasley in that regard?

13 THE COURT: Are you willing to  
14 accept responsibility that if I let this girl out that  
15 she will be here tomorrow morning at 9:00 o'clock?

16 (No response.)

17 THE COURT: You have answered that  
18 question. Now, I will hear from the Government. Thank  
19 you, Mr. Beasley.

20 (Witness excused.)

21 MR. BLACKBURN: Judge, I think I could  
22 represent to the Court based upon what I was told that  
23 when the FBI located this witness and arrested her and  
24 took her to jail, it was not necessarily done willingly  
25 and that there was an attempt, I should suggest, that she



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1 did not want to come here--including, I might say,  
 2 hiding out in the physical structure in which she was  
 3 supposed to be residing. Taking that into account  
 4 with the fact that Mr. Beasley--of course, whom I have  
 5 never met before and don't mean to imply anything by  
 6 this--is as I understand it, a potential witness for the  
 7 Defendant. Based on what this witness might or might not  
 8 say or have said in the past, that at the very least, we  
 9 would appreciate a deferral of your ruling until after  
 10 we have talked with the witness. I think the Government  
 11 is concerned that so much trouble was spent in locating  
 12 her and bringing her in the first place. We are very  
 13 skeptical of releasing her at this time.

14 THE COURT: I will not release her  
 15 at this time.

16 MR. BLACKBURN: Thank you.

17 THE COURT: I will let you question  
 18 the witness, and it may be that it will be resolved by  
 19 releasing her from a subpoena. It could be--I don't  
 20 know anything about it--but conceivably, she might not  
 21 even be a witness in the case, but I am not going to  
 22 release her until both sides have had a chance to talk  
 23 to her and then you may let me know not later than 4:15  
 24 this afternoon.

25 MR. BLACKBURN: I might ask counsel, I know

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1 you have said that I could see her shortly, but can  
2 you be more specific as to when "shortly" might come?

3 MR. SEGAL: I need to define a couple  
4 of matters, Mr. Blackburn, but I would say by 2:00  
5 o'clock. I just want to add for the record, Your Honor,  
6 the request in regard to whether Ms. Stoeckley should be  
7 released or not was the request that I conveyed at her  
8 instance. It is not necessarily my request, Your  
9 Honor.

10 THE COURT: All right, I didn't  
11 identify you with the request. You were just commu-  
12 nicating a request by the witness and her boyfriend.

13 MR. SEGAL: Yes, Your Honor.

14 THE COURT: Take a recess until  
15 tomorrow morning at 9:00 o'clock.

16 (The proceeding was adjourned at 1:17 p.m.,  
17 to reconvene at 9:00 a.m. on Friday, August  
18 17, 1979.)

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