

## The Tragic Case of Dr. Jeffrey Macdonald

Marie Koh  
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It was the Dr. MacDonald Case that drove former FBI Chief Ted Gunderson into investigating satanic ritual child sex abuse and human trafficking in America in the late 1970s. This is the case that opened the eyes of an agent who believed wholeheartedly that his government was committed to the well being of the people of the United States of America and awoke him to a new tier of criminality operating covertly behind veils of secrecy within the halls of power in government for decades. What he learned was more terrifying to him than anything he had ever investigated in all his years in service with the Federal Bureau of Investigation.

When Gunderson retired from the FBI, he formed an investigation firm tackling unresolved cases from different parts of the country. He soon began to find links between his cases and a web of corruption involving government agencies, operating freely throughout the chain of command and the judicial system of America.

The MacDonald story is a story that concerns all Americans; it concerns our freedoms, our children's safety, our families, and communities across the country, and abroad. To say we love our country is not enough. If we truly care about the future of America, it is necessary to dig deep down into our nation's governmental affairs to understand what is going on behind closed doors. The White House and all of its different branches of government belong to the people. It is set up to represent the people of the United States. If corruption is what we find in any branch of government, then it must be unapologetically weeded out.

This article is based on the works of Jerry Allen Potter and Fred H. Bost, authors of *Fatal Justice*; writer Ken Adachi and investigations performed by former FBI chief Theodore L. Gunderson.

### **The Dr. MacDonald Case**

Captain Jeffrey R. MacDonald, a U.S. Army Special Forces Green Beret medical doctor was pronounced guilty of staging the death of his pregnant wife, Colette, and two young daughters, Kimberly 5 and 2-year-old Kristen in their family home on Fort Bragg Army Base, Fayetteville, North Carolina in the early hours of February 17, 1970, by the chief investigator of the Criminal Investigation Department (CID) of the army. Within 15 minutes upon his arrival at the crime scene, the young CID investigator, based on the evidence he saw, decided that Dr. MacDonald had single-handedly murdered his family.

As a result, on July 6, 1970, an army Article 32 hearing unfolded. The army prosecutors and the CID presented their allegations against MacDonald's innocence, but the prosecution fell apart when testimonies, medical and court records disclosed by the defense team revealed a very different story than that offered by the prosecutors. The records showed that Dr. MacDonald was knocked unconscious by an assailant, stabbed 17 times with knives and an ice pick; he was beaten with a bat on the head several times, on his left shoulder and arm, and needed two surgical operations for his right lung that had collapsed from stab wounds. The CID, however, insisted that Dr. MacDonald alone killed his family and deliberately injured himself to appear innocent.

In an article written by Dr. MacDonald published in July 2000, by *Soldier of Fortune Magazine*, he wrote: " I was awakened by the screams of both my wife and older daughter, and was immediately confronted and attacked by three men accompanied by a woman with long blond hair and a floppy hat. The black male carried what seemed to be a baseball bat, he was wearing E-6 stripes on a field jacket. He used the bat on my head. Two white males in civilian clothes were simultaneously attacking me from the front."

This is the event that Dr. MacDonald remembered and repeatedly told CID agents, MP specialists, the FBI, and the police after the murders.

Colonel Warren V. Rock was MacDonald's investigating officer at the beginning of the case, he had listened to 56 witnesses and revised more than 2,000 pages of evidence validating his innocence and confirmed that the CID's report was in fact "not true". On October 13, 1970, after a 2 month-long hearing, Colonel Rock told the court that there was "insufficient evidence" for trial by court-martial and suggested that the charges be dismissed, and the focus of the investigation be directed to a young woman named Helena Stoeckley, an informant for law enforcement, believed to be the woman with the "floppy hat" present at the crime scene on the night of the murders.

Soon after, MacDonald was cleared of all charges and honorably discharged from the army, but his ordeal with the CID did not end there. His Commanding Officer believed that they would continue to retaliate against him even if they knew he was innocent, and fair enough, after bluntly criticizing the CID on national television on the Dick Cavett Show for the gross mismanagement of evidence on the crime scene, the CID came after the doctor with the full backing of government officials. And in August 1979, MacDonald was convicted for the murders of his wife and two young daughters and charged for three consecutive life term sentences. A shocking turn of events for a man proved innocent in the army hearing.

According to the Posse Comitatus Act, the CID had no right to come after Dr. MacDonald, now a civilian and no longer under military law: "but they ignored the law and monitored my every movement, my mail, my phone records, and my bank statements; also, my remaining family, friends, and my civilian attorney, Bernard Segal, of San Francisco." MacDonald said.

Note, that in the United States, the presumption of innocence is a legal right of the defendant, and Constitutional Amendments such as the Fourth, Fifth, Sixth, Eighth and Fourteenth support it. A defendant is, therefore "innocent until proven guilty"; yet, in MacDonald's case, he was presumed guilty by the CID not long after they arrived at the crime scene; furthermore when the FBI received a phone call at 07:30 on the morning of the murders regarding possible assailants involved in the murder home, Agent Jim Lothspeich of the Fayetteville FBI was sent to offer assistance. He was received by Colonel Kriwanek from Fort Bragg Military Base who told the agent that the Bureau had no authority in this investigation. Agent Lothspeich advised him that crimes involving civilians came under FBI jurisdiction, but Colonel Kriwanek insisted on the army's conclusion that MacDonald was guilty of the crimes.

The army CID had no motive for the crimes committed, no evidence collection, no lab tests were done; and all this was unrolling while MacDonald was being treated for his injuries at the hospital. He had no idea that the army had singled him out as the prime suspect in the homicides. He was questioned by the CID until April 6, 1970. During that time, no one recited his right to remain silent or led him to legal advice.

We later learn in the 1979 trial, the story theorized by army investigators and prosecutors was that the doctor had a heated argument with his wife on the night of February 16, and in a violent rage, under the influence of amphetamine diet pills, beat his pregnant wife and two children to death. Yet, the medical record revised at the army hearing proved otherwise. MacDonald's hospital examination showed no sign of overdosing on dangerous chemicals or high blood alcohol levels.

During the hearing, both sides took interest to understand who Dr. MacDonald was as a person; to assess whether or not he was capable of committing these types of crimes. Based on character analyses and witness testimonies presented in court, MacDonald seemed to be well-liked by friends, neighbors, and relatives who saw him as a man of good temperament who was kind, sympathetic, generous to his colleagues, and loving toward his family. Also, whose educational standard, medical record, and professionalism at work were considered outstanding by his supervisors. On the other hand, on account of character flaw, he confessed to cheating on his wife several times outside of marriage without her knowing about it. But in terms of character analyses, MacDonald did not fit the profile of a wife-beating, child-murdering psychopath.

Nevertheless, in the 1979 trial, these facts were flipped upside-down by government prosecutors and MacDonald soon became a target of character assassination through a media and press frenzy. Joe McGinniss's book, *Fatal Vision*, for example, turned television series aired on NBC only a year after its publication in 1983, was instrumental in altering the mindset of the general public in a negative direction. Alongside media coverage such as *48 Hours Mystery* hosted by Bill Lagattuta, who showcased a biased and "guilty-as-charged" interview of MacDonald. Ken Adachi stated: "Every word, every phrase, every sentence, every question posed by Lagattuta, and many camera angles of MacDonald were chosen-carefully chosen- by editors, writers, and producers of that program to telegraph guilt and sinister cunning. If you were new to this story and you didn't know the background details of the players and the plotline."

## **The Trials**

Dr. MacDonald had the right to a "speedy trial" and yet, that is not what happened, not by long shot. Even the military hearing turned out to be the longest in the army's history when these events occurred. How could a case of this magnitude go so horribly wrong for so long?

One probable cause was because Dr. MacDonald's defense team was not permitted to investigate any laboratory examination on available evidence leading up to the 1979 trial. Judge Franklin T. Dupree Jr., who led the case, had ruled against defense attorney Bernard Segal's 28 motions to permit them to do so.

When former FBI Ted Gunderson turned private investigator, reinvestigated the case in 1980, he found many discrepancies between what prosecutors claimed in court and the information and evidence held back from the jurors during the trial. MacDonald's lawyers were eventually able to persuade congressmen and senators to pressurize the prosecutors to disclose the government's report and documents on the case through the Freedom of Information Act (FOIA), where they were permitted to receive some of the documents in 1983. Note that Dr. MacDonald was convicted in 1970, he was found not guilty, and even after decades spent in federal prison following the 1979 trial the prosecutors did not allow the release of all the documents on his case; which according to the law, was the defendant's legal right.

"We discovered how the defense, the jury, and the judge were prevented by prosecutors from seeing the extensive evidence of outside assailants collected at the crime scene as revealed in CID laboratory notes. This critical material - my entire defense, if you will - remained hidden. As later proven in documents acquired through the Freedom of Information Act, the critical CID lab notes had been carefully collected by prosecutor Murtagh, who left the Army to build his career in my case. He had kept the lab notes in his briefcase in the courtroom throughout my seven-week trial." Dr. MacDonald wrote,

"Murtagh's fellow prosecutor, James Blackburn, repeatedly told the court, 'Where is the evidence of outside assailants? Where is the evidence that Helena Stoeckley was ever inside 544 Castle Drive?'"

To understand what led to MacDonald's final conviction, it's important to take a look at the murder scene and some of the evidence held against and in favor of MacDonald's innocence.