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2 Q. You were not. Okay. Where were you, Mr. Gunderson?

3 A. August, '74 I was in Memphis, Tennessee in charge of
4 the Memphis Bureau.

5 Q. Okay.

6 A. And what was the other date? '75?

7 Q. January of '75.

8 A. January of '75 I would have been in Dallas, Texas.

9 Q. Okay. Well, let me ask you: did you at any time in
10 any of your duty assignments in the FBI have anything
11 to do with the MacDonald case?

12 A. Absolutely not.

13 Q. Okay. So, you really don't have any personal
14 knowledge from having been at the crime scene or,
15 you know, having conducted any investigation in 1970
16 or '71, do you?

17 A. I had no knowledge of the MacDonald case until I was
18 hired as a private investigator to check into it.

19 Q. Now, let me ask you: who hired you as a private
20 investigator?

21 A. A doctor's wife, Phyllis Hughes, and a Dr. Stephen
22 Shea.

23 Q. Okay. That's Dr. MacDonald's partner, isn't it?

24 A. Dr. Shea is --

25 Q. (Interposing) Yeah.

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2 A. -- associated with him in some capacity that I don't
3 know.

4 Q. Okay. And what were the terms of the arrangement?

5 A. They contacted me in November, 1979 and asked me if
6 I would check into it, and I agreed, and I -- when
7 you say the "terms," do you mean what was I going to
8 charge him?

9 Q. Yeah, what was the arrangement?

10 A. I told him it was a hundred dollars (\$100) an hour.

11 Q. Okay. And were you paid a retainer?

12 A. I was given a fifteen thousand dollar (\$15,000)
13 retainer.

14 Q. Okay. And whose account, if you know, was that
15 retainer drawn on?

16 A. The first three (3) checks were from three individuals,
17 five thousand (\$5,000) each.

18 Q. Their personal accounts?

19 A. Personal accounts, unh-hunh (yes).

20 Q. Okay. And who were those three (3) individuals?

21 A. Just a minute. I'll have to do some research here.
22 (Witness reviews documents.) The first check was from
23 a Dr. J. Paul Curry, C-u-r-r-y, dated December 24,
24 1979, five thousand dollars (\$5,000), drawn on the
25 Bank of America, Huntington Harbor Branch, Huntington

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2 Beach, California. The second bank -- check was
3 dated -- it's out of order, by the way -- December
4 17th, 1979, five thousand dollars (\$5,000), Hughes
5 Medical Group, Incorporated, Long Beach, California.
6 Q. Excuse me. Was that Hughes Medical Group,
7 Incorporated?
8 A. Hughes, H-u-g-h-e-s. Hughes.
9 Q. Yes. Did you have any investigative job for Hughes
10 Medical Group, Incorporated?
11 A. No.
12 Q. No?
13 A. This was the first I ever heard of them.
14 Q. Okay.
15 A. And the third check for five thousand dollars
16 (\$5,000) is signed by himself, Dr. Stephen R. Shea,
17 S-h-e-a, by the way, dated December 17, 1979.
18 Q. And what account is that drawn on?
19 A. Bank of America.
20 Q. And the account number?
21 A. 1104100627.
22 Q. His personal account?
23 A. His personal account.
24 Q. Okay. Now, let me ask you again, Mr. Gunderson, or
25 let me ask you for the first time: when you took on

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2 this assignment, you had no previous experience with
3 the case, right?

4 A. Absolutely none.

5 Q. Okay. And this was after MacDonald had been
6 convicted, is that correct?

7 A. It was.

8 Q. Okay. Did you read the trial transcript?

9 A. I read some of the trial transcripts after I was
10 hired.

11 Q. But you didn't read the whole transcript?

12 A. I read that part -- the parts of the trial transcript
13 I read were Mr. Stombaugh's testimony, Helena
14 Stoeckley's testimony, and some of the other
15 testimony of individuals I don't recall exactly right
16 now who they were.

17 Q. But you didn't read the other testimony?

18 A. I didn't read the full nine thousand (9,000) pages,
19 or whatever it is, no.

20 Q. I believe it's seven thousand (7,000).

21 A. Whatever it is, I didn't read it all, no.

22 Q. How about the Article 32 transcript?

23 A. I read portions of that, did not read it all.

24 Q. What did you read?

25 A. I read the summary of it. I read Colonel Rock's

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2 decision on it. And then portions throughout. I
3 didn't read the whole thing, as I said.

4 Q. You didn't read the verbatim transcript?

5 A. I didn't read it in detail, no.

6 Q. Okay. How about the FBI lab reports, did you read
7 those?

8 A. I did.

9 Q. Which ones?

10 A. I don't recall offhand.

11 Q. Okay. Did you look at the crime scene photographs?

12 A. I didn't have the crime scene photographs at that
13 time. I had some Xerox copies of some of the crime
14 scene photographs, which I have with me today.

15 Q. Okay. But, I take it, you never came to the
16 courthouse here and looked at the --

17 A. (Interposing) No, I didn't. The testimony I read
18 came from Mr. Bernard Segal in San Francisco. He
19 sent me a box containing extensive information on the
20 case. And I also read Helena Stoeckley's testimony.

21 Q. Okay.

22 A. And the information in the court records concerning
23 the persons to whom Helena is -- was reported to
24 have told that she thought she was there.

25 Q. So, you read, like, the Stoeckley witnesses' voir dire

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2 and testimony in front of the jury?

3 A. In addition to what I've mentioned, right.

4 Q. Okay. Let me ask you again, Mr. Gunderson, did
5 you do an analysis of contemporary news accounts of
6 the case?

7 A. I had some newspaper clippings. They were not all
8 inclusive. I read what was available to me that was
9 furnished to me by Mr. Segal and by the Medical Group.

10 Q. The Medical Group.

11 Mr. Gunderson, did you determine what informa-
12 tion was in the public domain at a given time, say,
13 in August, 1970 or in August, 1979?

14 A. When you say did I determine that, --

15 Q. (Interposing) Yeah.

16 A. -- what do you mean?

17 Q. In other words, for example, in February of 1970, I
18 think it's fair to say it was in the public domain
19 that a rocking horse was found in the crime scene,
20 because a picture of it appeared in the papers.

21 A. Did I determine that? What do you mean?

22 Q. Well, in other words, did you determine what
23 information someone reading the newspapers at a given
24 time would be aware of?

25 A. No, not really. I read, you know, the articles, as

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2 many as were furnished me. I didn't make a
3 particular note of exactly when they were printed,
4 because a number of the articles had been printed
5 prior to and subsequent to the trial.

6 Q. Unh-hunh. Okay. Did you have occasion to review a
7 video tape or video tapes of a hypnotic session of
8 Dr. MacDonald by a Dr. William S. Kroger?

9 A. I did.

10 Q. You did. Do you have those with you, by any chance?

11 A. No, sir, I don't.

12 Q. Do you know where they are?

13 A. I don't have any idea where they are.

14 Q. Okay. But you've seen them?

15 A. I've seen them.

16 Q. Okay.

17 A. I saw them -- I didn't see them in the beginning.
18 I saw them, I would say, more than a year after I
19 became involved in the investigation.

20 Q. Okay. Mr. Gunderson, --

21 A. (Interposing) Probably in early '8 -- I'd say '81.

22 Q. Okay. You retired from the Bureau in March of '79
23 again?

24 A. March 30, 1979.

25 Q. March 30, 1979. Okay. What was your next

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2 employment?

3 A. Attorney General William Griffin Bell hired me to
4 coordinate security for the Pan American games in
5 San Juan, Puerto Rico the summer of '79.

6 Q. Unh-hunh. And after that?

7 A. In fact, I retired early to take that job. Mr.
8 Ben Civiletti asked me if I'd retire early. After
9 that I --

10 Q. (Interposing) I'm sorry. Ben Civiletti asked you
11 to retire early?

12 A. Ben Civiletti asked me to retire early. I know Mr.
13 Civiletti. After that I opened a private
14 investigating firm in Los Angeles.

15 Q. Okay. Have you had any other jobs?

16 A. Jobs? No. I mean, I have clients, but I've never
17 had any other employment.

18 Q. Well, let me ask you --

19 A. (Interposing) I'm sorry. You're right. I did have
20 one. The Los Angeles Olympic Committee hired me as a
21 consultant for about a year prior to the time when
22 they hired a full-time security officer in charge of
23 the operation.

24 Q. Were you ever retained in any capacity by an outfit
25 called Sass International, S-a-s-s?

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2 A. I was -- no, it was not Sass. It was Dekla.

3 Q. Would you spell that, please, for the reporter?

4 A. D-e-k-l-a.

5 Q. And what capacity was that, Mr. Gunderson?

6 A. I was president of the company for three (3) weeks.

7 Q. Okay. And what's the status of that company now?

8 A. I don't know what the status is, because I resigned
9 in -- on September 26th, 1982.

10 Q. Okay. Why did you resign?

11 A. Because I heard the inves -- the organization was
12 under investigation by the District Attorney in
13 Dallas and Los Angeles.

14 Q. Okay. Any other organizations investigating them?

15 A. Subsequent to my resignation, I heard that the FBI
16 was investigating the organization.

17 Q. Okay. And you resigned because you heard this?

18 A. No. I resigned because I heard they were under
19 investigation by the District Attorney in Dallas and
20 Los Angeles. I didn't know the FBI was investigating
21 them at that time.

22 Q. Okay. And what was the District Attorney investigating
23 them for?

24 A. I'm not sure. But I believe they had received a
25 complaint that somebody had given Mr. Allen Blair who--

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2 and also Mr. Robert Barron who was president of the
3 company before I was some expense money in
4 connection -- in an attempt by the company to put
5 together a loan.

6 Q. What were your duties, sir, with the company while
7 you were there?

8 A. My duties with the company for that three-week
9 period were to -- primarily to check out any potential
10 borrowers, any individuals who may be under
11 consideration for a loan, and basically that was it.
12 And, also, to a degree -- I really wasn't involved
13 in an administrative capacity, but I assumed that if
14 the company had not become involved in this situation,
15 I probably would have been involved in an
16 administrative capacity.

17 Q. Who did you check out for them?

18 MR. O'NEILL: Your Honor, I'm going to
19 interpose an objection to this line of questioning
20 as it appears not to relate at all to the subject of
21 direct.

22 THE COURT: Well, I would ask counsel for the
23 Government to show me some relevancy. I don't
24 detect it right offhand.

25 MR. MURTAGH: Well, Your Honor, if I understand

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2 correctly, Mr. Gunderson's status as a former FBI
3 agent is very much at issue here. In fact, counsel
4 referred to Mr. Gunderson -- I'm sure it was a slip
5 of the tongue -- but several times referred to him
6 as "Agent Gunderson" and I didn't object at that time.

7 THE COURT: Well, he corrected that.

8 MR. MURTAGH: Pardon, sir?

9 THE COURT: He corrected that --

10 MR. MURTAGH: (Interposing) He corrected that.

11 THE COURT: -- and called him "Mr.".

12 MR. MURTAGH: Yes. But, in any event, Your
13 Honor, I think that Mr. Gunderson's employment since
14 he left the FBI is a matter at issue and also I think
15 it goes to his competency as an investigator, which
16 is very much, I think, at issue in this case.

17 THE COURT: Well, I'll let you explore it from
18 that standpoint.

19 MR. MURTAGH: Thank you.

20 Q. (Mr. Murtagh) Do you want me to repeat the question,
21 Mr. Gunderson?

22 A. Please.

23 Q. Who did you check out for them?

24 A. Who did I check out for --

25 Q. (Interposing) Dekla.

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2 A. You mean their names specifically?

3 Q. Yeah.

4 A. I don't have those names with me. And if I'd known
5 I would have been prepared to answer that question.

6 Q. Did you check out Mr. Blair for anything?

7 A. I did later on and I realized that -- yeah, I did
8 check him out later on, but I didn't check him out at
9 the time.

10 Q. Did you later determine that Mr. Blair had a criminal
11 record?

12 A. I found out later subsequent to the time that I was
13 involved with the company.

14 Q. Okay. But your investigation didn't reveal it?

15 A. No. If I may explain the situation, Mr. Blair and
16 Mr. Barron were my clients when I was in Los Angeles
17 beginning in about February, 1982. And from
18 February, 1982 until July, 1982, I had checked out a
19 number of individuals for them by a long distance
20 telephone call, at their request by a long distance
21 phone call. And in -- as of -- around July the
22 first, 1982, they owed me a bill of approximately
23 three thousand dollars (\$3,000).

24 And I had another case wherein a businessman
25 came out of his office about midnight in April of

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2 1982 and a gunman jumped out of a bush and shot at
3 him nine times, hit him four out of nine, and he was
4 taken to the hospital; lived. The businessman hired
5 me to find out who shot him.

6 I began my investigation at that time and
7 developed information that was very pertinent to that
8 situation and I contacted the businessman in -- I'd
9 say, in June, gave him the information. Subsequent to
10 that I learned that there were some people looking for
11 me and, in fact, two men were standing -- sitting
12 across from my apartment in my home in Westwood,
13 California waiting for me to come home one morning
14 at one forty-five (1:45) in the morning.

15 Now, the reason this ties into this Blair
16 situation, Dekla situation, is that's why I went to
17 Dallas because I did learn through my sources and
18 informants that there was, in fact, a contract on my
19 life. And Mr. Blair came over to meet me in my
20 office one Saturday. During that meeting he mentioned--
21 he didn't mention -- during that meeting I mentioned
22 in our discussion that I had a problem; he offered me
23 the opportunity to come to Dallas, which I did. And
24 he offered me an office and a telephone, which I took
25 and accepted. At that time I did not know he was a

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2 convicted felon.

3 I occupied that office for one month. Several
4 times during that one-month period he asked me to be
5 president of the company. I declined. On August the
6 6th, I think it was, he asked me to be president and
7 I accepted. I was not aware that there was a
8 potential problem with Blair or Dekla or the rest of
9 them at that time.

10 Q. Okay. Mr. Gunderson, according to your declaration,
11 you interviewed Helena Stoeckley on several occasions
12 between October 24th, 1980 and May 27th, 1982
13 concerning her knowledge of the MacDonald murders.

14 A. That's right.

15 Q. Okay. Now, if I understood correctly, on direct you
16 said that the first interview took place on October
17 24th, 1980, is that right?

18 A. October 24th, 1980, right, first signed statement.

19 Q. Okay. Well, when did the interview that resulted in
20 that signed statement commence?

21 A. I think it commenced on the 23rd -- 22nd or 23rd, I'm
22 not sure.

23 Q. Well --

24 A. (Interposing) She was there about a day and a half
25 before -- she came in late one night, didn't spend too

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2 much time in the office -- that was when I had my
3 Westwood office, the address that I gave you earlier--
4 and then she went -- we checked her into a motel.
5 She came back the next day and it was kind of a
6 getting acquainted session, and late that day we
7 began to reduce the information into writing.

8 Q. Okay. Mr. Gunderson, let's back up a second. When
9 you say "we," who was present?

10 A. Mr. Beasley.

11 Q. Okay.

12 A. Prince.

13 Q. And how did Helena Stoeckley get to California?

14 A. Mr. Beasley brought her to California.

15 Q. Okay. And when did they arrive?

16 A. I'm not sure of the date. I'd have to go and check
17 these documents. Do you want me to check them?

18 Q. Well, would your report be good enough? Would you
19 disagree with me if I said that your report shows
20 that she showed up on October 22nd, 1980?

21 A. That would be late that afternoon, early evening.
22 And then the 23rd and then the 24th; that'd be about--
23 I'd say that's probably right. If my report shows
24 that, then it's accurate.

25 Q. Is there anything in your report that isn't accurate?

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2 A. When you say "accurate", whether it's accurate --

3 Q. (Interposing) True. Correct.

4 A. That is or is not true or correct?

5 Q. That's not true or correct.

6 A. There probably is some information that's not true
7 and correct, because I don't make an opinion when
8 I obtain information from an individual. I'm merely
9 taking information down and putting it on paper.

10 Q. No. I'm not talking about what the witness says.
11 I'm talking about information that's in your report
12 that's a result of your investigation.

13 A. Not to my knowledge. Do you mean information
14 attributed to me? As far as I know, there's nothing
15 that's inaccurate in there. It's certainly possible
16 there could be an inaccuracy someplace, yes.

17 Q. Okay. All right. So, Mr. Gunderson, -- or Mr.
18 Beasley, rather, and Ms. Stoeckley arrived on the
19 22nd. What were the events that led up to her
20 coming out to California?

21 A. I'm not real sure on that. I think, as I recall --
22 well, I know what Prince told me, but all I know is
23 what Prince called and told me. So, I don't have the
24 details on that. Mr. Beasley was the one who arranged
25 to bring her out.

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2 Q. He'd be the witness to testify about that, I take
3 it?

4 A. Well, I -- he told me what happened, but --

5 Q. (Interposing) Well, the answer to my question -- or
6 my question is: would he be the witness to testify?

7 A. Well, I assume he would be. He's the one that told
8 me about it.

9 Q. Okay.

10 A. I had no personal knowledge of how he brought her
11 out there --

12 Q. (Interposing) All right.

13 A. -- how he convinced her she should come out.

14 Q. Okay. Was Mr. Beasley present during all of your
15 interviews of Helena Stoeckley?

16 A. He was.

17 Q. Would it be accurate to say that Mr. Beasley was
18 essential to securing Helena Stoeckley's cooperation?

19 A. I'd say it's an accurate statement.

20 Q. It is an accurate statement?

21 A. I'd say it's an accurate statement.

22 Q. Okay. He's kind of the key to Helena Stoeckley, or
23 at least he was, wasn't he?

24 A. I would say he was, yes. I've said that all along.

25 Q. Okay. Well, that would have been just as true before

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2 the trial as after it, wouldn't it, Mr. Gunderson?

3 A. I don't know. I wasn't around before the trial.

4 Q. Okay. Now, if I understood you correctly, you said
5 that after your May 24th, 1982 signed statement which
6 I believe -- is that Government's -- defendant's
7 Exhibit Number ten (10)? You have them in front of
8 you, Mr. Gunderson.

9 A. Just a minute and I'll look at them. (Witness
10 peruses documents.) There's several on May the 24th.

11 Q. Several?

12 A. Several. There's an exhibit ten (10), eleven (11)
13 and twelve (12) on May the 24th. Which one are you
14 referring to?

15 Q. Well, why don't we start with ten (10), Mr.
16 Gunderson, and talk about that? Would you describe
17 it for us?

18 A. There were -- there were several statements taken
19 during that May session. There was one taken on the
20 20th also, by the way, which the Government is not
21 aware of.

22 Q. Why is that, Mr. Gunderson?

23 A. Because you -- well, because I didn't tell you about
24 it. I furnished all my statements up through 1980
25 to the Government, and then I wrote a letter

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2 subsequent to that asking immunity for Ms.
3 Stoeckley. And there was a question about the
4 Government -- whether the Government was sincere in
5 pursuing the matter and, therefore, I did not furnish
6 any more information to you.
7 Q. Were you acting as her attorney, Mr. Gunderson?
8 A. No, sir. That was on advice of counsel that I did
9 that. But we --
10 Q. (Interposing) Who was the --
11 A. -- certainly conferred about it.
12 Q. Who was the counsel?
13 A. I'm not sure if that was Mr. O'Neill or Mr. Segal,
14 but I conferred with both of them on a frequent
15 basis.
16 Q. I see.
17 A. Would you like to start with the May 20th or would
18 you like to (pause) --
19 Q. Well, let me ask you this, Mr. Gunderson. Is it
20 accurate to say that your prior interviews with
21 Helena Stoeckley had taken place in October and
22 December of 1980, right?
23 A. Right.
24 Q. And those are the so-called confessions?
25 A. I wouldn't say they were a confession. They were

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2 statements saying she was there and she told me what
3 she saw. She --

4 Q. (Interposing) You don't cons --

5 A. -- denied that she was participating in the crime.

6 Q. So, you wouldn't consider those confessions as to
7 Helena Stoeckley?

8 A. They were statements by Helena Stoeckley as to what
9 happened.

10 Q. Okay. Would you consider that those were statements
11 against her penal interests?

12 MR. O'NEILL: Objection. He's not a lawyer.
13 That calls for a legal conclusion.

14 THE COURT: Isn't that to be determined from
15 the statement itself as a matter of law?

16 MR. MURTAGH: Yes, Your Honor.

17 Q. (Mr. Murtagh) Okay. Well, anyway, Mr. Gunderson,
18 there had been a two-year gap, right?

19 A. The last series of statements were December, '80 and
20 then May of '82 was the next series of statements.

21 Q. Okay. Now, what precipitated this subsequent
22 interview in May of '82?

23 A. Helena Stoeckley called either Prince or me, I'm not
24 sure, and said that she wanted to talk to us. She
25 volun -- she came to us.

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2 Q. Now, isn't it a fact, Mr. Gunderson, that in the
3 interim Helena Stoeckley had been interviewed by the
4 FBI and retracted her statements to you?

5 A. No, she didn't.

6 Q. Oh, she didn't?

7 A. No. She didn't.

8 Q. I see. How do you know that?

9 A. Well, because she told me she didn't.

10 Q. Oh. Have you seen the statement of Helena Stoeckley
11 attached to the affidavit of Special Agent Madden in
12 this case?

13 A. No, I have not.

14 Q. Okay. So, you don't know whether that's a retrac-
15 tion or not.

16 A. Well, she told me she didn't rescind her statements
17 she gave us. She told me that she was not -- I'm
18 trying to figure out exactly how she worded it -- she
19 really didn't say that she retracted it or didn't
20 retract it.

21 Q. Okay. But you went to interview her again?

22 A. (Nods affirmatively.) And when we interviewed her
23 again, I asked her what happened because in the
24 meantime I had received this letter which I volun-
25 tarily gave to the FBI in her interview with the FBI

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2 on December the 27th, 1981 in which Helena was
3 critical of me personally.

4 Q. Is that Defense Exhibit Number fourteen (14)?

5 A. That's number fourteen (14), sir.

6 Q. Would you read that, please?

7 A. (Reading document) "Mr. Gunderson, In all fairness
8 to any person or persons involved in the investigation
9 of the Jeffrey MacDonald murder case in 1970 at Fort
10 Bragg, North Carolina, I feel that it is my moral
11 obligation to inform you that my husband and I are in
12 the process of immediate relocation. It is my
13 opinion that in the preceding months I have been used
14 as a pawn for your convenience and" -- I can't read
15 this, it's a copy -- "I also feel that in December of
16 1980 I was coerced into signing a so-called
17 confession and that I was exploited by means of
18 false hopes and empty promises.

19 Never have I seen a bigger mockery made of
20 justice or such a shamble made of an investigation.
21 Granted, I have a past history of drug abuse and cult
22 involvement, but in my opinion I do possess clear and
23 sound mental faculties and judgment and a moderate
24 level of intelligence. After being" -- I can't read
25 it -- "time and time again" -- "deceived time and time

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2 again and after finding that what I thought was
3 shrewdness and caution on my part was being taken by
4 everyone as gullibility, I no longer feel obligated
5 to aid anyone in the matter -- in the matter,"
6 period.

7 "I have procured a lawyer who is gathering data
8 on the case so that should anyone come up with any" --
9 I can't read it -- "idea that I should be
10 incarcerated, I won't be caught unprepared again.
11 Also, if I were you, I would be mindful of the fact
12 that affirmative of character over such a long period
13 of time is a pretty serious charge. When I finally
14 agreed to cooperate with you, I felt I was doing what
15 was morally right. I would also be feeling myself --
16 freeing myself from a private hell, so I gave you as
17 conclusive a review of the event of the night in
18 question as I could.† You, in turn, misconstrued and
19 distorted all statements I made to you to be used
20 against me at your convenience.

21 No longer will I be caused any further
22 embarrassment or have unfavorable implications made
23 about me due to this case.‡ Any and all fears and
24 anxieties that I now have I will deal with myself.
25 Contrary to statements made by Judge Dupree and

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2 countless other people, my life is no longer one
3 big drug-dazed stupor that I cannot face. Do not
4 try to contact me or anyone related to me in the
5 future. At the"-- I can't read it; the next word I
6 can't read -- "is more in my favor. Your considera-
7 tion in the matter would be appreciated. Please make
8 my stand clear to Mr. Beasley as well. I reiterate,
9 should there be any future undue stress placed upon
10 me, I shall not hesitate to take legal action.

11 Sincerely, Mrs. Helena Davis."

12 Q. So, after getting that letter, you contacted her or
13 she contacted you?

14 A. No. She con -- she wrote me the letter and I didn't
15 pay any attention to it. I didn't even contact her,
16 no.

17 Q. Well, how did --

18 A. (Interposing) She called me.

19 Q. Okay. And what did she say?

20 A. She called me in May of 1982 and said she wanted to
21 talk to me.

22 Q. And you went down and talked to her?

23 A. That's right.

24 Q. From California to --

25 A. (Interposing) That's right, --

1 Ted Gunderson Cross Vol. 1, p. 125

2 Q. -- Clemson, South Carolina?

3 A. -- I flew on an airplane.

4 Q. With Mr. Beasley?

5 A. No.

6 Q. Without Mr. --

7 A. (Interposing) Mr. Beasley was already there.

8 Q. Well, but you went to Clemson, South Carolina with
9 Mr. Beasley.

10 A. I flew to Fayetteville and we drove to Clemson.

11 Q. Okay. But you were with Mr. Beasley --

12 A. (Interposing) During the interview.

13 Q. -- with her in Clemson?

14 A. Right.

15 Q. Fine. Was there any discussion of hypnosis at any
16 time during this session?

17 A. I suggested to Helena that she be hypnotized, yes, at
18 one time. I think it might have -- I'm not sure
19 exactly when I suggested that, which session.

20 Q. ~~Unh-huh. And was she hypnotized?~~

21 A. ~~Never. She refused.~~ Wait a minute. She was -- I
22 suggested that in December, 1980 and she refused.
23 I'm pretty sure. I'm not real positive, I'm pretty
24 sure. She said that she'd had some unfortunate
25 experiences in hypnosis and she didn't want to be

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2 hypnotized.

3 Q. Unh-hunh. Okay. Now, getting back to October of
4 1980, Mr. Gunderson, you probably have a different
5 number for it, but I wonder if -- the handwritten
6 statement of 10-24-80, have you got that?

7 A. I should have it. I gave it -- it was entered as
8 an exhibit.

9 MR. MURTAGH: Your Honor, I wonder if in the
10 interest of moving things along, I have copies that
11 have been furnished by counsel with my own numbering
12 system. Okay.

13 Q. (Mr. Murtagh) Have you got that marked as an exhibit?

14 A. It's Exhibit Four (4).

15 Q. The envelope is marked Exhibit Four (4), isn't it?

16 A. Well, the envelope says Exhibit Four (4).

17 Q. Okay.

18 A. I took it out of that envelope.

19 Q. All right. So, this is a handwritten statement --

20 THE COURT: (Interposing) Wait a minute. Wait
21 a minute, now. You'd better put Exhibit Four (4) on
22 the statement itself.

23 MR. MURTAGH: That's a good suggestion, Your
24 Honor.

25 (Statement marked by Clerk.)

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2 Q. (Mr. Murtagh) Anyway, Mr. Gunderson, did I
3 understand you to say on direct that you wrote out
4 this statement?

5 A. I did.

6 Q. Okay. And did you write down what Helena Stoeckley
7 told you?

8 A. Precisely.

9 Q. Precisely.

10 A. Exactly.

11 Q. Exactly. Okay.

12 A. Well, let me explain to you how I conducted the
13 interview.

14 Q. Yes, please do.

15 A. I talked to Helena like I'm talking to you, and I
16 would say, tell me what the situation is. She would
17 tell me and then I would -- as I would write, I would
18 speak out loud and she would approve; which this is a
19 technique I've used for twenty-seven (27) years in
20 the FBI, by the way.

21 Q. Okay. Did you do anything different in this
22 interview than you would have done in any other FBI
23 interview?

24 A. Never.

25 Q. I'm sorry, sir?

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2 A. Never. Never.

3 Q. In this interview?

4 A. In all the interviews, they were all conducted the
5 same way that I conducted all my FBI interviews.

6 Q. Did you keep an interview log?

7 A. No, I did not.

8 Q. Did you do that when you were in the FBI?

9 A. No, not always.

10 Q. You didn't?

11 A. No.

12 Q. Weren't you required to do so?

13 A. Not necessarily.

14 Q. Isn't standard FBI practice to keep an interview log?

15 A. It was at the end of my career, but not before that.

16 And since I'm no longer an officer, I didn't feel
17 it was necessary to keep an interview log.

18 Q. Okay. So, we don't really know what time this
19 interview started and what time it stopped?

20 A. No, we don't.

21 Q. And I don't imagine you recall that, or do you?

22 A. I'm not sure. I think that interview may have been
23 on the -- late the 23rd and went into the 24th, A.M.
24 of the 24th. Is that the first interview?

25 Q. I don't know, sir.

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2 A. I think that's the first interview. And we handled
3 the one interview and went into the night
4 deliberately because I didn't want to send her home.
5 I was afraid maybe that -- you never know, something
6 might happen. She might get hit by a car going across
7 the street, so I wanted to be sure to get this
8 statement down.

9 Q. Wasn't Mr. Beasley with her?

10 A. Yes, he was.

11 Q. Wouldn't he have prevented her from --

12 A. (Interposing) He might have been hit by a car, too.

13 Q. Well, I suppose that's possible.

14 A. I didn't want to let her leave the office without
15 at least having one statement in hand, let's put it
16 that way.

17 Q. Yes, I can understand that, Mr. Gunderson.

18 Now, when you started this interview, what did
19 you tell Helena Stoeckley with respect to any
20 evidence that you might have developed in your
21 investigation?

22 A. I didn't tell her anything about any evidence that we
23 developed in the investigation.

24 Q. Okay. And you had conducted an extensive investigation
25 before you interviewed her?

1 Ted Gunderson Cross Vol. 1, p. 130

2 A. That's right.

3 Q. In fact, Stoeckley's interview was really sort of the
4 capstone in your investigation, wasn't it, sort
5 of the end of it?

6 A. No. I -- I couldn't possibly say that, no.

7

8 (GOVERNMENT'S EXHIBITS 10 - 12,
9 MARKED FOR IDENTIFICATION.)

10

11 Q. (Mr. Murtagh) Well, let me ask you, Mr. Gunderson --
12 let me show you what's been marked for identification
13 as Government's, I think it's nine (9), ten (10),
14 eleven (11) and twelve (12), which are four volumes
15 bearing the sticker "Ted L. Gunderson and Associates,
16 Inc., Investigative Report, USA versus Dr. J. R.
17 MacDonald," and let me show these to you.

18 (Counsel hands documents to witness who peruses
19 same.) Volume one, right?

20 A. It's been torn open.

21 Q. Well, why don't you take a look at it, Mr. Gunderson.
22 If there's anything in there that you think doesn't
23 belong or anything that's been removed, why don't
24 you tell us about it?

25 A. That's impossible. It's almost four hundred (400)

1 Ted Gunderson Cross Vol. 1, p. 131

2 pages long. I haven't got time to sit and read
3 this.

4 Q. Does it appear to be your report, sir?

5 A. It does on the outside, and I'm sure, unless
6 something's been taken out of it, it is my report.

7 Q. Okay.

8 A. Hopefully intact.

9 Q. All right. And --

10 A. (Interposing) I'd have to spend some time to say
11 for sure, but it probably is.

12 Q. Okay. Well, while you've got that in your hand,
13 Mr. Gunderson, let me ask you to take a look at
14 page one, ninety-six, A (196A).

15 A. Okay.

16 Q. And is there a highlighted portion of that?

17 A. There is.

18 Q. Okay. And would you tell us what that says, please?

19 A. Do you want me to read it to you?

20 Q. Sure.

21 A. This information came from Mr. Fred Bost, I
22 interviewed him on January 31, 1980. And what Mr.
23 Bost told me, that Mazerolle was not in custody at
24 the time of the murders, that CBA Bonding Company
25 had bonded him for two thousand dollars (\$2,000.00).

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2 A warrant was issued for his apprehension on March
3 25, 1970 after he failed to appear for it. He was
4 taken into custody in April, 1970 by an unspecified --
5 for an unspecified offense, (he's possibly AWOL),
6 in Cobb County and was held in jail there in
7 Marietta, Georgia.

8 Q. Okay. Let me ask you, Mr. Gunderson, is that a true
9 statement?

10 A. I have no idea if it's true or not.

11 Q. So, you don't know whether Mr. Mazerolle was in jail
12 on the night of the murders or out on bail?

13 A. That's right.

14 Q. Okay. Did you check the court records?

15 A. No, I did not.

16 Q. Was it your practice when you were in the FBI to
17 rely on newspaper reporters for details about court
18 records?

19 A. I -- very honestly, I felt that he was probably out
20 of jail at the time, but I did not bother to check
21 the court records.

22 Q. Well, did you ask Mr. Beasley about whether Mr.
23 Mazerolle was out of jail on the night of February
24 16th?

25 A. It was my -- it was my impression that he was out of

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1 Ted Gunderson Cross Vol. 1, p. 133

2 jail based on the information I developed during the
3 investigation, and I wasn't sure about whether Mr.
4 Beasley told me that or not.

5 Q. Well, isn't it a fact that there's a tape recorded
6 interview of Mr. Beasley in which Mr. Beasley tells
7 you that Mazerolle was out of jail that night?

8 A. I believe he said that he was out of jail, unh-hunh.

9 Q. In fact, didn't Mr. Beasley tell you that he had
10 seen Mr. Mazerolle?

11 A. He did, that's true.

12 Q. Okay. And do you know whether that's a true statement
13 or not?

14 MR. O'NEILL: Your Honor, one moment. May we
15 have a foundation as to where and when the tape
16 recorded statement occurred?

17 MR. MURTAGH: It's in Mr. Gunderson's report.

18 MR. O'NEILL: But you just --

19 Q. (Mr. Murtagh) All right, Mr. Gunderson. Did you
20 conduct an interview with Mr. Beasley?

21 A. I did.

22 Q. And was it tape recorded?

23 A. No. I think it was typed out. I'm not sure.

24 Q. Isn't it a lengthy transcript?

25 A. Do you know where it is, where it's located? My

1 Ted Gunderson Cross Vol. 1, p. 134

2 report is thirteen hundred (1,300) pages long.

3 Q. Yeah. Let me, rather than rumble through it --

4 A. (Interposing) That's the investigation at the end
5 of the year 1980, by the way.

6 Q. Okay. I'm referring to, I think it would be page
7 two, twenty-three (223) of Volume I, interview with
8 P. E. Beasley on 2-1-80. And if you would look at
9 pages two, fifty (250), two, fifty-one (251) --

10 A. (Interposing) It is a recorded interview, you're
11 right.

12 Q. Right.

13 A. Okay. Because it's in quotes and it's question and
14 answer.

15 Q. Okay. And isn't it a fact that Mr. Beasley told you
16 that Mazerolle was out of jail?

17 A. What page is that on, do you know?

18 Q. Look at page two, forty-seven (247), Mr. Gunderson,
19 towards the bottom of the page: question, "G",
20 which I presume stands for "Gunderson": "he was
21 released on bond which meant he was out of jail during
22 the murders."

23 A. I see it here.

24 Q. "B" which I presume stands for Beasley: "he was out
25 of jail, yes. I might add, too, it was three weeks

1 Ted Gunderson Cross Vol. 1, p. 135
2 before the murders." Is that correct?
3 A. That's what he says here.
4 Q. Well, do you know -- well, let me ask you: did you
5 attempt to verify whether, in fact, Mr. Mazerolle
6 was in jail on the night of the murders or whether
7 he was out on bail?
8 A. I did not attempt to do so.
9 Q. Okay. Isn't it a fact that Helena Stoeckley
10 identified Allen Mazerolle to you on several
11 occasions as being present at the crime scene?
12 A. She did.
13 Q. And, in fact, inflicting injuries on Dr. MacDonald
14 with an ice pick, isn't that correct?
15 A. I'd have to look at the report to make sure it's an
16 accurate statement.
17 Q. Well, let me get back to your report, Mr. Gunderson.
18 Is Government Exhibit ten (10) for identification
19 Volume two (II) of your report? (Counsel hands
20 same to witness who peruses same.)
21 A. What page do you want me to look at?
22 Q. I just want you to look at it and see if that's
23 your report?
24 A. Oh, this looks accurate.
25 Q. Okay. How about Government's Eleven (11) for

1 Ted Gunderson Cross Vol. 1, p. 136

2 identification? (Counsel hands same to witness who
3 peruses same.)

4 A. It looks accurate.

5 Q. And Government's Twelve (12) for identification?

6 (Counsel hands same to witness who peruses same.)

7 THE COURT: Suppose we take our lunch recess
8 at this time and give Mr. Gunderson a chance to look
9 at those things and be ready to answer your question
10 when we come back at two o'clock.

11 _____
12 (LUNCH RECESS: 1:00 - 2:00.)
13 _____

14 THE COURT: Good afternoon, all. Did you have
15 further questions of this witness?

16 MR. MURTAGH: Yes, Your Honor, I did.

17 THE COURT: Let him come back, then.

18 (TED L. GUNDERSON RECALLED TO WITNESS STAND)

19 Q. (Mr. Murtagh) Mr. Gunderson, did you talk to anybody
20 over the luncheon recess?

21 A. I did.

22 Q. Who did you talk to, sir?

23 A. Mr. O'Neill.

24 Q. Counsel for Dr. MacDonald?

25 A. I beg your pardon, sir?

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2 Q. Counsel for Dr. MacDonald?

3 A. Yes, right.

4 Q. Did you talk to him about the subject of your
5 testimony?

6 A. I did.

7 Q. Weren't you on the witness stand?

8 A. I was.

9 Q. How long were you an FBI agent, sir?

10 A. Twenty-seven (27) years.

11 Q. And did you normally talk to counsel during recesses--

12 A. (Interposing) Well, would you --

13 Q. -- when you were on the witness stand?

14 A. -- like to know what I said to him?

15 Q. Yeah, tell me what you said to him.

16 A. All right. I -- I mentioned that I was not allowed
17 to give a complete answer in two instances, those
18 being the record check on Mazerolle and also my
19 involvement subsequent to my retirement -- I mean,
20 excuse me, subsequent to my resignation from Dekla
21 in Dallas, Texas.

22 THE COURT: Would you like to complete those
23 answers now?

24 THE WITNESS: I would, sir.

25 THE COURT: Go right ahead.

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2 A. Okay. Mr. Mazerolle -- I had not completed the
3 investigation. I've never professed to have
4 completed the investigation of the MacDonald case.
5 There was a lot of work that had to be done that I
6 recommended. I did not handle a lot of this --
7 most of this work, in fact, the remaining work
8 because of the fact that we ran out of funds, and
9 also I didn't fly three thousand (3,000) miles from
10 Los Angeles to check records. And I'm not so sure
11 whether or not he was in jail in the first place.
12 There's a possibility he was, a possibility he
13 wasn't in jail. That remains to be seen.

14 And as far as Dekla is concerned, I resigned
15 from the presidency when I learned that the District
16 Attorney in L.A. and Dallas were investigating Mr.
17 Blair in Dekla. I immediately went to both
18 agencies. I was interviewed by them for over three
19 (3) hours on tape. I told them everything I knew
20 about the organizations.

21 They, of course, knew I was an ex-law
22 enforcement officer. I also went to the FBI when
23 I heard the FBI was investigating Dekla and Mr.
24 Blair and me.

25 Q. (Mr. Murtagh) I'm sorry, sir?

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2 A. I say I also went to the FBI when I learned that the
3 FBI was investigating Blair, Dekla and me --

4 Q. (Interposing) And you?

5 A. Yes. And I told them that I wanted to talk to them.
6 They refused to allow me to be interviewed. I told
7 them -- I insisted. I asked the agent in charge,
8 Mr. Kelly, to call Washington, D.C. and tell them I
9 wanted to be interviewed. He said that I was under
10 investigation personally and I was a suspect, and the
11 investigation was not at a stage where they would
12 allow themselves to talk to me.

13 I insisted on the interview on a Friday
14 afternoon late. Monday morning I went in and was
15 interviewed by the FBI, and after approximately
16 thirty-five or forty minutes I walked out of the
17 interview because they refused to give me confiden-
18 tiality which both the D.A. in Dallas and Los Angeles
19 did give me.

20 I asked Mr. Kelly subsequent to that why he'd
21 refused to give me confidentiality; he said because
22 I wasn't -- I said, because, after all, you do give
23 informants confidentiality, why didn't you give it to
24 me? He said, you're not an informant. I was
25 embarrassed by the treatment I received from my old

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2 agency.

3 Q. Well, let me ask you --

4 A. (Interposing) And I went in for the purpose of
5 cooperating with them and helping them any way I
6 could.

7 Q. Are you finished your answer, Mr. Gunderson?

8 A. I'm finished.

9 Q. Okay. Thank you. Getting back to Mr. Mazerolle,
10 do you recall talking to a reporter by the name of
11 Roger Mercer for the Fayetteville Times on
12 approximately the 24th of February, 1983?

13 A. I recall -- I recall such an interview.

14 Q. Okay. And --

15 THE COURT: (Interposing) What year?

16 MR. MURTAGH: 1983, sir.

17 THE COURT: '83.

18 Q. (Mr. Murtagh) And do you recall that prior to your
19 interview by Mr. Mercer there had been a story in the
20 Fayetteville papers about the Mazerolle jail records
21 and whatnot; do you recall that?

22 A. I don't recall reading it, but I recall it, yes.

23 Q. Okay. And, let me ask you, sir: did you say to Mr.
24 Mercer that "I don't care what the Superior records
25 show down there," and then not a quote but

1 Ted Gunderson Cross Vol. 1, p. 141

2 apparently based on the interview with you, a former
3 FBI agent said he had two witnesses who would say
4 Mazerolle was not in jail at the time of the killings
5 and he declined to identify the witnesses, he said,
6 because they -- they, the FBI, will attempt to dis-
7 credit them if they know their identities.

8 Did you make that statement, sir?

9 A. I may have. I don't recall exactly.

10 Q. Well, --

11 A. (Interposing) I probably did.

12 Q. Pardon me, sir?

13 A. I probably did. I don't recall exactly what I told
14 him.

15 Q. Do you have two witnesses who can positively say that
16 Mr. Mazerolle was not in jail at the time of the
17 killings?

18 A. I was told in two instances that he was not in jail,
19 one of them which you brought out today.

20 Q. Would that be Mr. Beasley?

21 A. Mr. Beasley, right.

22 Q. So, he's the first witness. Okay.

23 A. Right. And I was told also by Mr. Fred Bost that he
24 was not in jail.

25 Q. Okay.

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2 A. Mr. Bost had checked those records, I think in 1980,
3 and did not see the records -- the document that was
4 in there that placed Mazerolle in jail; or, at least,
5 he told me that.

6 Q. Well, Mr. Gunderson, do you have any basis based on
7 your own personal investigation to dispute the
8 records that show Mazerolle was in jail?

9 A. I have no personal knowledge -- I have no personal
10 knowledge one way or the other about the records.
11 I didn't check the records myself, but they are public
12 records, and it would be very easy to insert some
13 documents in those records.

14 Q. Do you have any evidence --

15 A. (Interposing) No, I don't --

16 Q. -- of that, Mr. Gunderson?

17 A. -- have any evidence of that. It's merely a possibil-
18 ity. I'm not saying that it happened.

19 Q. Okay. Well, let me move along a bit, Mr. Gunderson.
20 With respect to the defense composite exhibits --
21 do you have those? (Clerk hands same to counsel.)

22 Let me show you what was introduced at the
23 trial by the defendant, Defendant's Eighty-Nine (89),
24 a drawing of a woman wearing a hat; Defendant's
25 Exhibit Ninety (90) --

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2 A. (Interposing) May I look at these?

3 Q. Sure. -- a fellow with a crucifix around his neck;
4 and Defendant's Ninety-One (91), a black individual
5 with a zippered jacket; and Defendant's Ninety-Two,
6 which appears to be a picture of a white individual
7 with some sort of skin problem and wearing a -- it
8 looks like a hooded sweatshirt with a zipper.

9 (Counsel hands same to witness who peruses same.)

10 Did you ever see those before, Mr. Gunderson?

11 A. Not these, but I've seen copies of these.

12 Q. Okay. With respect to your report, specifically,
13 Government's Twelve (12) for identification which
14 would be Volume four (IV), do you have a copy of
15 that?

16 A. No, I don't have it.

17 Q. Well, let me give it to you.

18 A. I do have a copy. I'm sorry, I do have it. I did
19 bring Volumes three and four with me. All right.

20 Q. And, sir, let me ask you to look at the -- page
21 eight (8) and then the following pages up through
22 sixteen (16), eighteen (18) -- eighteen (18).

23 A. Eight (8) through eighteen (18)?

24 Q. Yeah. Mr. Gunderson, my purpose is, you refer, do
25 you not, to these composite drawings by different

1 Ted Gunderson Cross Vol. 1, p. 144

2 numbers, and those are the numbers used in the
3 various Stoeckley statements, aren't they?

4 A. Right.

5 Q. Okay. Let's see if we can agree on what those
6 numbers are, okay?

7 A. Sure.

8 Q. Page nine (9) and page ten (10) you refer to as
9 composite thirty-nine (39), the woman --

10 A. (Interposing) Okay.

11 Q. -- which corresponds to defendant's eighty-nine (89),
12 does it not?

13 A. Okay. Right.

14 Q. It's basically a reproduction of the same --

15 A. (Interposing) Right.

16 Q. Okay. And then with respect to subject -- suspect
17 number two, composite forty-three (43), is the black
18 male --

19 A. (Interposing) Right.

20 Q. -- Defendant's Ninety-One, correct?

21 A. Right.

22 Q. And with respect to composite forty-four in your
23 report, that corresponds, does it not to --

24 A. (Witness holds up composite.)

25 Q. -- yes, Mr. ninety-two (92). Okay, Defendant's

1 Ted Gunderson Cross Vol. 1, p. 145
2 Ninety-two (92). And then composite forty-six (46),
3 you're handing me Defendant's Exhibit Ninety (90)?
4 A. Right.
5 Q. Okay. Now, with respect to the 24th of October,
6 1980 --
7 A. (Interposing) Okay.
8 Q. -- I believe you identified earlier Defendant's
9 Exhibit Number four (4), is that correct, the
10 handwritten statement?
11 A. Well, whatever the exhibit is. There were two
12 statements on October 24th.
13 Q. Yeah, one is handwritten and one is typewritten?
14 A. Right. One's fourteen (14) and one's fifteen (15)
15 pages long.
16 Q. Okay. With respect to Defendant's four (4), the
17 handwritten statement, let me ask you, is that the
18 one you were talking about earlier?
19 A. In regard to what, sir?
20 Q. Well, did you identify that as a statement that, in
21 effect, Helena Stoeckley dictated to you and you
22 wrote it out and she signed it?
23 A. Right, basically.
24 Q. All right. And what name did she use to sign it?
25 A. Helena Stoeckley and Helena Davis -- excuse me, I'm

1 Ted Gunderson Cross Vol. 1, p. 146

2 sorry. Helena Foster, aka Helena Stoeckley, Helena
3 Davis.

4 Q. Well, who was Helena Foster?

5 A. It was an alias that she used.

6 Q. Okay. Is there any particular reason why she signed
7 it with an alias?

8 A. Not that I know of.

9 Q. Did she --

10 A. (Interposing) She used that name on occasion.

11 Q. Did she refuse to sign it, Helena Stoeckley?

12 A. No. She just signed it -- in fact, I really didn't
13 pay that much attention to it. I know that I saw her
14 sign it; that was good enough for me. I didn't --

15 Q. (Interposing) Well, doesn't the statement start out
16 "I, Helena Foster"?

17 A. Yeah, it does, unh-hunh.

18 Q. Didn't that catch your attention at that time?

19 A. It did. As I recall, it did.

20 Q. Did you ask her who Helena Foster was?

21 A. I knew before that who she was.

22 Q. Oh, I see.

23 A. I know that she used that name on occasion.

24 Q. But that's not her real name, is it? It's not her
25 married name?

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2 A. No. It's -- it's an alias that she used.

3 Q. Okay. Now, Mr. Gunderson, before this statement was
4 obtained on the 24th of October, you had been
5 interviewing her -- correct me if I'm wrong -- off
6 and on from the evening of the 22nd of October until
7 the 24th, right?

8 A. Yes. Well, she arrived late whatever the -- if the
9 22nd was accurate. I'm not positive about that.

10 Q. Well, it's in your report.

11 A. If it's in my report, then it would be accurate.

12 Q. Like the Mazerolle records?

13 A. I beg your pardon, sir?

14 Q. Like the Mazerolle records?

15 A. Well, what about the Mazerolle records?

16 Q. Well, your report reflects that --

17 THE COURT: (Interposing) I sustain the
18 objection to that question. Go on to something else.

19 Q. (Mr. Murtagh) Your Honor -- excuse me, Mr. Gunderson,
20 with respect to the 24th of October, what time did
21 she sign this statement?

22 A. I don't remember exactly what time she signed
23 statements. She -- if the report says she came in the
24 22nd, it was late the 22nd that they came in. We
25 really didn't discuss much that night, mainly just

1 Ted Gunderson Cross Vol. 1, p. 148

2 to get acquainted. The 23rd, I think she got up
3 late the 23rd, but I'm not sure -- in fact, I know
4 she got up late. She wanted to sleep in for some
5 reason, tired, I guess. And she came over to the
6 office, and we really didn't discuss too much -- it
7 was kind of a getting acquainted session because I'd
8 never met her before, although I'd talked to her on
9 the phone in January of 1980.

10 And, so, we just kind of -- she got
11 acquainted with me and I got acquainted with her.
12 Once we started talking a little bit; we really
13 didn't get into this until probably late the 23rd --
14 I'm not real positive -- and into the 24th, yeah.

15 Q. Okay. Now, Mr. Gunderson, did you tell Helena
16 Stoeckley at any time that the statute of limitations
17 had run in this case?

18 A. I did, on -- on the federal statute of limitations.
19 I also told her that it was my understanding -- I'm
20 not a lawyer, but it was my understanding they had
21 run, and I had been told that by Mr. Segal.

22 Q. Yeah. Well, whether that's accurate or not, you,
23 as a matter of law --

24 A. (Interposing) Yeah, I did tell her.

25 Q. -- you told her that?

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2 A. Sure, I did.

3 Q. Okay.

4 A. On the federal. But I didn't -- on the local I
5 told her that there was no statute of limitations
6 locally for a conspiracy off the base. I was very
7 honest with her.

8 Q. Sir?

9 A. I was very honest with her.

10 Q. Yes.

11 A. I called it just like it is.

12 Q. Mr. Gunderson, do you recall being interviewed by a
13 reporter for the Los Angeles Herald Examiner on
14 April 1st, 1982?

15 A. Can you give me his name?

16 Q. Janet Kay, staff reporter.

17 A. Can you tell me what I said --

18 Q. (Interposing) Yes, I sure can.

19 A. -- or was supposed to have said?

20

21 (GOVERNMENT'S EXHIBIT 13,
22 MARKED FOR IDENTIFICATION.)

23

24 Q. Let me show you Government's Thirteen (13) for
25 identification which appears to be a question and

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2 answer thing, and if you would look at the
3 highlighted portion. (Counsel hands same to witness
4 who peruses same.)

5 A. I probably made that statement.

6 Q. Okay. So, the statement you're referring to, then,
7 Mr. Gunderson, is:

8 "Question: How did you get the statement from her?"
9 referring to Stoeckley;

10 "Answer: Through investigative work.

11 Question: And she gave it to you willingly?

12 Answer: Sure, she did. Quite frankly, we let her
13 think there was an informant on the inside who
14 already implicated her. We communicated to her
15 that we had somebody else talking, and we thought
16 it would be a good idea if she gave us her side of
17 it. We didn't have anybody talking, it was just
18 investigative work, trickery. Have you ever heard
19 the expression? Old age and trickery will overcome
20 youth and skill."

21 You made that statement?

22 A. Yeah, that was in -- I made that statement. I
23 remember making that statement. I was trying to be
24 funny. Obviously, it wasn't very funny, now. A
25 sense of humor on the trickery bit. As far as the