

CHAPTER SEVEN

THE FABRICATED TRANSCRIPT

It was that second official statement that ended any criminal liability for Doris Duke. I learned the genesis of it from Newport attorney William O’Connell, who’d been in practice with Joe Houlihan, a well-respected local lawyer, now deceased. Houlihan had sat for a time as “second seat” to Aram Arabian, the Roy Cohn-like attorney who defended Doris in the 1971 wrongful death case. “Arabian’s tactics were win at all cost,” said O’Connell.¹⁵⁵ “Joe told me that Radice had been pulling his hair out because he didn’t think Doris’ initial statement would be enough to close out the case -- particularly after the Attorney General started making waves. So Radice talked to Arabian and said, ‘You’ve got to give me *something more* to put in this report,’ and Aram said, “You write something up and if I go along with it, she’ll sign.” According to Doris’s account in the AVIS case, it happened like this:

“On October 11, 1966 (Miss Duke) signed a statement consisting of questions and answers prepared for her signature by members of the Newport Police Department. Chief Joseph Radice, Captain Paul Sullivan and Policewoman Alda Brito were present when she signed the statement.”¹⁵⁶

That second statement, sprawled over three legal-sized pages in the official police report, became the justification Radice needed to close out the case. But we can now see that on its face, it was a fraud – little more than a “script” concocted by the police at Arabian’s request, to create *the appearance* of an “interrogation” conducted in real time.

How do we know that? Because the Q&A was so contrived that in the answer to the very first question the police got Duke’s birth date wrong -- an error that she had to correct on the transcript and initial by hand.

In the pages that follow, that transcript is published exactly as it was contained in the official police report, which had been missing for decades. But before we get to it, it’s important to consider what prompted it: the half-page transcript of the first and only interview of Doris Duke in the ninety-six hour investigation of Eduardo Tirella’s death. As noted, it was conducted in her bedroom at Rough Point on October 9th less than two days after the crash.

As she sat in bed surrounded by two of her dogs, the heiress was questioned by Lieutenant Frank H. Walsh and Det. George Watts of the Newport Police Department. The interview was witnessed by her principal attorney Wesley Fach, and her business manager Pete Cooley who was based at 30 Rockefeller Center in New York. In Lt. Walsh’s typed transcript of that interview above, Cooley is identified as “Mr. Conley” and the victim is identified as “Mr. Tirello.”

Newport Police Department
October 9, 1966
About 12-30 P.M.

In the presence of Attorney Wesley Fach personal Attorney to Miss Doris Duke, Mr. Conley her personal business Manager, Detective George Watts and myself (Inspector Frank Walsh) we spoke to Miss Doris Duke at her residence, Rough Point, Bellevue Avenue this date, this was shortly after receiving a call from her physician Doctor Philip C. McAllister that she would talk to us.

I informed Miss Doris Duke of her rights and asked her after reading the attached form if she would sign same before making any statement.
Miss Doris Duke read same and signed

Q. Where you operating the car involved.

A. Yes

Q. Will you tell me in your own words just what happened.

A. Yes

A. We were going out of the estate Mr. Tirello was the operator we did what we have done a hundred times before, the gate was locked, Mr. Tirello got out of the car to open the gate, it was locked he was at the lock, the car was about fifteen feet from the gate, I was getting ready to drive thru the gate, the car just leaped forward and I was on top of him, He was in the middle of the gates at the lock at the time.

Q. Do you have an operators license

A. Yes, I have a Rhode Island operators license

Q. He had not opened the gates.

A. No

On the basis of that brief interview Chief Joseph Radice closed out the case, declaring it “an unfortunate accident.” This was the story published the next afternoon in *The Newport Daily News*:

Death Of Miss Duke's Friend Ruled 'Unfortunate Accident'

Police Chief Joseph A. Radice said this morning the death of Eduardo Tirella, 42, of Dover, N. J., by a car driven by Miss Doris Duke Friday was “an unfortunate accident.”

Radice said this morning Lt. Frank H. Walsh questioned Miss Duke yesterday at Rough Point, her Bellevue Avenue home. Walsh was accompanied by Detective George Watta, Miss Duke's attorney, Wesley N. Fash of New York City, was present during the interrogation.

Miss Duke was released from Newport Hospital Saturday, but police withheld until yesterday questioning about the fatal accident, at the request of Miss Duke's doctors.



Eduardo Tirella

Chief Radice said this morning Miss Duke told police she had been sitting on the passenger's side of a late model station wagon operated by Tirella, as they were driving out of the estate.

When they reached the gates, Miss Duke said, Tirella got out of the car to open them and the station wagon over to the driver's side to drive out onto Bellevue Avenue, far as I know, they were on

a hundred times before,” she told police, Chief Radice said. Miss Duke told police the car leaped forward and after that she could remember nothing.

Tirella was crushed against the iron gates, dragged across Bellevue Avenue and pinned under the car when it struck a tree.

Dr. Philip C. McAllister, acting state medical examiner, said Tirella died instantly of brain injuries. Miss Duke was taken to Newport Hospital. She suffered from shock and face lacerations and was admitted for overnight observation.

Radice said early this afternoon he still was waiting for the medical examiner's report on the victim, and the case still was under investigation.

Tirella, an interior decorator and actor, was a frequent companion of Miss Duke in recent years. Chief Radice said, “As far as I know, they were on very good terms.”

But within hours, Rhode Island Attorney General Joseph Nugent told *The New York Daily News* that Radice had moved too quickly. So Radice walked back his initial finding. He called the wire services and within minutes, United Press International sent this new bulletin.

DORIS DUKE FACES MORE QUESTIONS

DOVER, NJ (UPI) – Services were held for Eduardo Tirella today while police in Newport, R.I. disclosed they planned to question multimillionaires Doris Duke further about the death of the movie set designer. “There are some unanswered questions we seek answers to,” Newport Police Chief Joseph Radice said.

The Associated Press then ran with the story at right in which the Chief backtracked further. At that point he appealed to Aram Arabian, Duke's Providence-based attorney, who came up with the scheme to prepare a more detailed Q&A of a purported second interview of Doris Duke.

In the hours that followed, a three page “transcript” was typed up to look like a stenographer's record of an actual live “interrogation” conducted at Rough Point, the next day, Tuesday, October 11th. What follows is the actual “transcript” I found in the missing police report.

Doris Duke Accident Probe Open

NEWPORT, R.I. (AP) — Police Chief Joseph A. Radice said Tuesday the investigation of the fatal accident involving tobacco heiress Doris Duke and movie-set designer Eduardo Tirella “is not yet completed.”

Radice said he intended to question Miss Duke, 53, again about the accident that crushed Tirella against the front iron gate. Miss Duke's estate Friday night, Tirella, 42, died of brain injuries.

Radice said he was disturbed that his statement Monday, when he called the death “an unfortunate accident,” had been misinterpreted. Radice said it was an unfortunate accident but his statement did not mean the investigation was over.

“We've not ruled out anything,” said Radice. “The investigation is not yet completed.”

50 HOMICIDE AT ROUGH POINT

The following statement was given in the presence of the following named individuals at Rough Point, Bellevue Avenue, Newport, Rhode Island at 12:30 p.m. on Tuesday, October 11, 1966:

Aram Arabian, Esquire; Wesley Fach, Esquire, attorneys for Miss Doris Duke; and Chief Joseph A. Radice and Captain Paul J. Sullivan of the Newport Police Department.

The interrogation is being done by Captain Sullivan.

- Q. Miss Duke, what is your full name, age, date of birth and residence?
A. Doris Duke, fifty-three (53), November 22, 1928/2 JJ
Rough Point, Bellevue Avenue, Newport, Rhode Island.
- Q. What city were you born in Miss Duke?
A. New York City.
- Q. Miss Duke, you have been informed that you do not have to make a statement. You have signed a waiver dated October 9, 1966 which has just been observed by your attorney, Mr. Aram Arabian, will you now make a statement?
A. Yes
- Q. On October 7, 1966 at about 5:00 p.m. were you in a motor vehicle, Rhode Island registration [REDACTED], an Avis rental car?
A. Yes, it was an Avis car but I am not sure of the registration.
- Q. Where was this?
A. On my property.
- Q. Who was with you?
A. Mr. Eduardo Tirella.
- Q. Who was the operator of the vehicle?
A. Mr. Tirella.
- Q. Can you describe the area in which this car was operated?
A. From the house to the north gate on Bellevue Avenue.
- Q. Was Mr. Tirella operating at this time?
A. Yes
- Q. Was the vehicle stopped for any reason?
A. Yes
- Q. For what reason?
A. To open the north gate.
- Q. How far from the gate was the vehicle stopped?
A. About twelve to fifteen feet.
- Q. Who opened the gate? [REDACTED] went to
A. Mr. Tirella left the vehicle and/open the gate.
- Q. Was this gate locked?
A. Yes
- Q. Where were you sitting in the vehicle?
A. In the front seat, passenger side.

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- Q. Can you describe what happened?
A. When he went to the gate I slid over to the driver's seat and I placed my left foot on the brake and I disengaged the gear with my right hand. The car shot ahead.
- Q. Did you shift the gear from parked position?
A. Yes
- Q. What gear did you shift into?
A. Drive.
- Q. You placed your foot on the brake also?
A. Yes.
- Q. The car then moved forward?
A. Yes
- Q. Can you estimate the speed the car went forward?
A. No
- Q. Is there any possibility, Miss Duke, that your foot could have engaged the accelerator pedal?
A. Not to my knowledge.
- Q. Was the hand brake on when the car was left in parked position?
A. No
- Q. When the car started forward, did you think to pull the hand brake?
A. No, I had no time to do this.
- Q. Is there a possibility that your foot slipped off the brake pedal onto the accelerator pedal?
A. That could have happened, *but I have no recollection of it.* JJ
- Q. Do you have an recollection as to how fast the car was going?
A. It was fast.
- Q. Would you say very fast?
A. From an absolutely dead stop, and it was fast.
- Q. When Mr. Tirella got out of the car was the car ideling fast?
A. I don't know.
- Q. What happened when the car was set in motion?
A. It went ahead through the gate, across Bellevue Avenue to a fence on Bellevue Avenue.
- Q. Did you see Mr. Tirella?
A. Yes, I saw him at the gate.
- Q. Do you recall what happened after the car went into motion?
A. I got out of the car. I could not see him. I looked around. This was not when the car was in motion but when it had stopped against the railing. I ran to the house. I thought he was in the house. I was in a state of shock. I looked around.
- Q. Did you speak to anyone in the house when you came in?
A. No, I didn't open the pantry door. I went back to the street. I saw a woman on the street and she came and was trying to quiet me down. I said not to worry about me. I asked about my friend.

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- Q. What happened after that?
- A. I was taken to the Newport Hospital in a police wagon.
- Q. Do you recall who you spoke to on the street?
- A. A man and a lady came up to me and the girl was trying to quiet me down.
- Q. When you went to the Newport Hospital, did a police officer speak with you?
- A. Yes
- Q. Do you recall who he was?
- A. No.
- Q. Did you rent this car yourself?
- A. No, one of my employees, Mr. MacFarland, rented the car.
- Q. Had there been any difficulty with this car?
- A. No, I drove it twice previously. I went to meet Mr. Tirella at the airport and I had driven it on Friday morning.
- Q. Was it a practice for you to slide over in the front seat of the car when Mr. Tirella would open the gate?
- A. Yes, I had done so that morning.
- Q. It was actual the third time you drove the car. Is that correct?
- A. Yes
- Q. Would you consider yourself totatally familiar with this car after driving it three times?
- A. No
- Q. Had you had anything to drinking of an intoxicating nature on that day?
- A. No
- Q. How long had you known Mr. Tirella?
- A. At least six to eight years.
- Q. How long had he been here visiting?
- A. About three weeks.
- Q. Did you have any arguments or misunderstandings with him on that day?
- A. No.
- Q. Is there anything else you would like to say about this incident, Miss Duke?
- A. No, I have told you every thing.
- Q. Will you please read the questions and answers contained on these three pages of your statement, and after making any corrections you deem necessary, will you please sign your name on all pages and on all carbon copies of your own free will without any promises of reward or immunity having been offered to you.

WITNESSES:

Alan A. Rubin

Doris Duke

“We can see that this is a clear fabrication,” said former NYPD Det. Moss, “If a stenographer had been typing a record of the interview as it happened and Captain Sullivan, who purportedly questioned her, had mistaken her date of birth, she would have corrected him on the spot. But Doris Duke had to cross out the erroneous DOB, write-in the correct one and initial it, because the Newport police presented her with that document *after* they had created it. In more than twenty years of murder investigation in New York City I have never seen anything like this.”¹⁵⁷

There is further evidence that this “transcript” represented an affirmative cover-up by Chief Radice and Capt. Sullivan. Lewis A. Perrotti and his partner Al Massarone were the two state investigators for the Registry of Motor Vehicles assigned to the case. After Doris Duke was cleared, Perrotti issued a detailed eight-page report, which I uncovered. Along with the official police report, it had been missing for decades. Now, in that report, we can see how Perrotti, who was told that a second Duke interview had taken place, was clearly misled by the Chief. He writes:

On October 11, 1966, Miss Duke made a formal statement at her estate to Chief Radice and Captain Sullivan. Inspector Massarone and myself were again refused the right to question Miss Duke. When we asked for a copy of this statement, Chief Radice stated this statement was similar to the first one taken (October 9th 1966) and that he felt the initial statement was enough for our Department.¹⁵⁸

“In other words,” said ex-NYPD Det. Moss, “Radice didn’t want any other officials, outside of the upper ranks of the Newport PD, to see that three page statement, with its handwritten corrections by Doris; because if they had, they would have immediately known that the document was a fraud.”

But Chief Radice took the deception to another level, telling *The New York Daily News* that the “interview,” conducted by “Inspector Paul Sullivan” took place on October 11th in “the drawing room of the 30 room mansion.”¹⁵⁹

Still, after she fixed her signature to the Q&A which the cops had drafted for her, it was over. The next day, October 12th, 1966, *The New York Times* reported that, “The police termed today as ‘Definitely an accident’ the death of Eduardo Tirella. . . killed by a car driven by Doris Duke, the tobacco heiress.¹⁶⁰ Chief Joseph A. Radice said: ‘As far as we’re concerned, the case is closed.’”¹⁵⁹

That same day, Capt. Sullivan, who purportedly conducted the interrogation told *The Providence Journal* that “there was no evidence of foul play in the death.”¹⁶¹

Doris was cleared. But the way the Newport PD had handled it left Det. Moss shaking his head.

“The idea that the finders-of-fact in a homicide probe would do little or no forensic investigation, ignore eyewitness accounts and base their conclusion exclusively on the word of the woman who caused the death – then add insult to injury by cobbling together what her attorneys *wanted* her to say into a statement that looked like the transcript of an actual interrogation? That is beyond belief.”

Doris Duke escaped any criminal liability for the death of her “constant companion” and the damages she paid to Eddie’s family after being found civilly negligent in 1971 didn’t even equal the cost of the Goddard Chipendale mahogany highboy she bought a month before trial at Parke-Bernet for \$102,000. It was a record price at the time for a piece of furniture.¹⁶²

On July 1st, 1971 the case went to the jury in Providence, the state Capital, which had a large minority population. As to Duke’s skill at manipulating the media, the day before, stories ran on *UPI’s* national wire and in *The New York Times* reporting that she’d recently appeared in the choir of a predominately Black church in Nutley, New Jersey near her 2,700-acre Duke Farms.¹⁶³

When a reporter happened to show up at The First Baptist Church to hear Doris sing soprano, she was quoted as saying, “I don’t want any publicity.”¹⁶⁴ But coming on the eve of the jury’s decision on how much she’d have to pay Tirella’s family, the timing was suspect.

Bill O’Connell told me that as a law school grad, during the class he took to prep for the Rhode Island bar exam, the instructor actually used Romano et. al. vs. Duke as an example of the principal that before a lawyer agrees to represent a client in a wrongful death case, he or she should ensure that the victim had a strong earning capacity post-mortem.

Still, as flawed as the Tirella family’s lawyers may have been, *they actually proved just that*. The Appeal brief established Eduardo’s ability to earn many thousands of dollars a year for the next several decades. But those same attorneys made *the fatal mistake* of deposing Mrs. Lee Bunker who had worked as an occasional secretary and bookkeeper for Eduardo.

One of the bedrock rules of civil practice is that before you put somebody under oath, make sure that they’re going to advance *your* case and not your adversary’s. But once she was sworn in a deposition, Bunker, turned into

the best possible damage witness for Doris Duke. Despite the overwhelming evidence that Eduardo had been the designer, architect, and general contractor for Duke Gardens, the sprawling New Jersey glasshouse display, and that he had curated virtually every piece of art Doris had acquired for years, Aram Arabian used Bunker -- who testified at trial for *the defense* -- to portray Tirella as a “financial fiasco” who couldn’t hold onto a dime.

It was all smoke and mirrors.

The fact that Eduardo may not have been good at keeping financial records or saving money had nothing to do with his capacity to earn hundreds of thousands of dollars for years to come. But the impression left with the jury was that he was a loser.

Arabian may have even played “the gay card,” reinforcing a sexist trope to the urban jury that Tirella was “something less than a man.” If that had happened in 1971, years before the gay rights movement shattered that myth, it might, on its own, have *insured* the paltry \$75,000 damage award.

Did Aram Arabian do that? Did he play that card? We don’t know, because the trial transcript is missing. But one thing is clear: when it came to *the liability phase*, during which the billionaire was found *culpable* for Tirella’s death, Edward I. Friedman, the lawyer for Eddie’s survivors, added crucial details in his opening statement, reported by *UPI*, that were never challenged by Arabian:

Friedman said Tirella was opening the massive iron gates at Miss Duke’s Rough Point estate when the accident occurred. Tirella stopped the car about 15 feet from the gates, put the brake on and left the car in “park” as he went to open the gates. Miss Duke slid into the driver’s seat, released the brake and put the car into gear. The car shot forward and hit Tirella, went through the partially open gates, crossed Bellevue Avenue, knocked down 20 feet of iron fence and then struck a tree in a neighbor’s property. Tirella was dragged about 40 feet and was pinned beneath the car when it stopped.¹⁶⁵

Decades later, as I sought to deconstruct the official police account of the death - sourced largely from the killer herself - those details of Eddie engaging the parking brake and Doris releasing it, along with the account of just how far across Millionaire’s Row she’d dragged his body, made the case that this was no “accident.” It was intent-to-kill murder.