

## CHAPTER SIX

# “A TALL WOMAN GOT OUT”

I was in my first semester at college in Boston when the crash occurred, but my mother sent me copies of *The Newport Mercury*, a weekly compilation of *Daily News* stories. Distracted by my course of studies at the time I somehow missed the fact that my own family doctor, Phillip McAllister, was so entwined in the story, and to a lesser extent, William Wood, the hospital administrator who appeared to endorse the conflicted Medical Examiner-turned-Duke-private-physician’s decision to lock her away from state officials.

That discovery really surprised me. Not only did Bill Wood and his family live next door to me growing up, but his oldest son Michael had been one of my best friends. Knowing Mr. Wood as a man of integrity and based on a recent interview with a surviving hospital staff member, I’m now convinced that he never had any personal knowledge of the cover-up. According to the source, who asked not to be identified, Bill Wood was following the dictates of senior hospital administrators at the time. <sup>141</sup>

We don’t know what, if anything, Doris or her lawyers may have promised *those* officials for the special treatment no other homicide sus-

pect would have received. But later on, she *did* write that check to the Hospital for the equivalent of eighty thousand dollars. And with the press and State authorities closing in, that kind of money could have bought her the privacy she needed while her minions worked to craft a cover story.

Like so many of the Newport police officers who were in no position to challenge the chief or knew only fragments of the truth, I believe that Bill Wood was personally out of the loop.

Dr. McAllister's betrayal of his oath was another matter. It was particularly painful for me to learn about it since my family and I had so much respect for him in the twenty years he cared for us. I was a classmate of his eldest son Phil and knew his younger son Brendan, both of whom later died from drug overdoses. In the end, after falling on his sword for Doris Duke, Dr. Phillip C. McAllister's professional and personal life seemed to unravel; a story we'll examine in Chapter Twenty-Seven, "The Duke Curse."



The Dodge Polara wagon was so heavy that a tow truck had to be summoned to lift it so that Eduardo Tirella's body could be extracted. At lower left in the shot, two of the baluster rungs, knocked out of the heavy wrought-iron gates, can be seen. (Ed Quigley Photo)

Half a century later, looking at the case in hindsight, I found glaring inconsistencies, including the timing of Doris's account. An examination of the news coverage revealed that the day after the "accident" on *Saturday* October 8<sup>th</sup>, the press published *precisely* the same statement that Doris had supposedly given to police for the first time on *Sunday*, October 9<sup>th</sup>.

“Police said Miss Duke had remained in her car while Tirella got out to open the heavy iron entrance gate on Bellevue Ave. The car leaped forward and crushed Tirella against the gate.”<sup>142</sup>

But how could the authorities have *known* that if she’d been held incommunicado in the hospital? Linda McFarlane Knierim, the caretaker’s daughter, told me that “Miss Duke came quickly back home the next day (Saturday) when her lawyers had come up from New York.” At the civil trial in 1971 Chief of Detectives Paul Sullivan testified that he’d gone to Rough Point that day to question Doris, “but she was in bed under care and (her) attorney let it be known that she would not answer questions at that time.”<sup>143</sup> So where did Chief Radice get that initial account, if not from Doris Duke, and when did he get it?

The truth emerged after an exhaustive search for the records in Alice Tirella Romano et. al vs. Duke came up empty. The file in that wrongful death case against Doris personally, had mysteriously disappeared from state archives. But as it turned out, Tirella’s siblings had also sued AVIS Rent-A-Car Systems, Inc., the owner of the Dodge Polara wagon.

After State Registry of Motor Vehicle investigators found both the brake and accelerator in perfect working order, that parallel case never went to trial. But because it was filed in Federal Court and Duke’s involvement gave it historical significance, I found 173 pages of pleadings, depositions and interrogatories in The National Archives. This is what they revealed:

On June 30<sup>th</sup> 1968 under oath and in answer to a series of questions, AVIS Regional Claims Manager Donald W. Bechtler stated, “Miss Duke informs us that on October 7, 1966 at the hospital she discussed the accident with police officers whose names she does not know.”<sup>144</sup>

I later found out that, in fact, Doris *had* exchanged a few words, not with *officers* plural, but with a young patrolman who had been dispatched to meet her in the hospital’s Emergency Room.

When he got there, he found her on the phone in the hospital lobby, but he was able to ask her a few questions as she held a piece of cloth up to a cut on her lip.<sup>145</sup> What he learned found its way into Chief Radice’s account to the press the next day. But in that same interrogatory from the AVIS case, Doris was asked to give a concise statement of facts on how the “accident” occurred. Her response, which added new details, was revealing:

"Edward Tirella drove the automobile up to 12 or 15 feet from the north gate. I was sitting in the passenger's seat. He got out to open the gate which was locked. I moved over to the driver's seat. I put my left foot on the brake and moved the gear shift lever from "park" to "drive." The car immediately moved forward through the gates and across Bellevue Avenue where it struck a fence and stopped. I was injured and dazed. I looked around for Mr. Tirella. I did not see him. I went back into the house to see if he was there. A man and a woman helped me." <sup>146</sup>

Indeed, the first civilians on the scene that late afternoon were Lewis Thom, a Milwaukee policeman and his daughter Judith, who had graduated the day before as an Ensign from the Officer Candidate School at The Newport Naval Station.

Mr. Thom and his wife Elda were about to leave for Wisconsin the next day but decided to take a sightseeing trip down Bellevue Avenue with their daughter, a newly commissioned officer. Now known as Judith Wartgo and retired after 30 years as an EMS worker, I tracked her down and she gave me this account:

"It was very beautiful that Fall afternoon. Leaves were falling. We were just looking at the houses and we came upon this accident. The car was against a tree across the road from this open gate. I didn't know who lived there. My Dad got out first and went to the vehicle. I stayed with my Mom in our car for a moment then got out and went over to the car. A policeman arrived, and he was looking around the station wagon to see if anyone else was hurt and not responding, At that point a tall woman got out of the driver's seat. She was in the street, walking back and forth, hysterical, hollering something like, 'I can't find him... I can't find him...' As I approached her, she took off for the house running. <sup>147</sup> I decided to go after her because I didn't know if she was going for help. We didn't have cell phones back then, and no one could hear us if we called out, since the houses were so far apart. Also, I wasn't sure if she was going to pass out. She was acting really hysterically. I assumed she was in some kind of shock."

Once she followed Doris into the 30-room mansion, Judith said that “the house was eerily quiet. She ran up this big huge staircase and I thought, ‘I’ve got to keep up with this woman or I’m going to get lost and not be able to find her.’”

Now on the second-floor, Judith said that Doris was yelling for someone whose name she couldn’t make out, but she soon circled back and ran outside.

“I was trying to get her to stop,” she said. “But she was a very fast runner. When she finally got outside, she blurted out that she’d run him over; someone named Ed.”<sup>148</sup>

That admission ran counter to Doris’s sworn claim in the AVIS case that she’d run into the house to *look* for Tirella. After all, why search for him if she already *knew* that she’d hit him?

At that point, Judith moved closer to the station wagon which was parallel to Bellevue Avenue with its front end smashed against a tree. A large section of post and rail fence had been knocked down at Quatrel, the estate across from Rough Point. Judith told me that she finally got a look under the vehicle.

“It was still quite light outside, but it was difficult to see under the station wagon. If I recall the victim had a dark jacket or shirt on and he was rolled up under the wheel on the driver’s side. My father was calling to this person and there was no response. The policeman was there, and they were trying to figure out how to get to the victim when other police vehicles arrived.”

At that point the young Ensign got a good look at Doris’s face.

I read her Alton Slagle’s *New York Daily News* story with Dr. McAllister’s account that Doris needed 30 stitches. Slagle also reported that Judith and her father had found Duke “bleeding from head cuts.”<sup>149</sup> Right away she stopped me.

“No,” she said. “She had a few bruises and scratches. But nothing where blood was running down her face or an obvious blow to the head.”<sup>150</sup>

Judith seemed surprised by that detail since she’d left Newport the next day and had never seen the press accounts. In fact, the first time anyone had contacted her about the incident was around 1990 when she heard from Stephanie Mansfield, a former *Washington Post* reporter who was writing a Duke biography.<sup>151</sup>

## BRIEF WITNESS INTERVIEWS

As we'll see in the official police report, Judith and her father are quoted briefly, but the accounts they gave, with important admissions by Doris regarding Eduardo Tirella, never made it into any of the public pronouncements by Chief Radice or his surrogates.

Further, the Thoms weren't the only key witnesses to the crash aftermath with important evidence the police seemed bent on suppressing. Tirella's brother-in-law Robert Aughey, a former Marine Captain, drove to Newport with his son Robert Jr. the night of the crash. He got to Rough Point at 6:30 am and photographed those tire-width "gouges" in the Rough Point gravel. "I remember those gouges clearly," Robert Jr. told me. It was like someone was sitting in the car, stomped on the gas and made deep impressions in the gravel.<sup>152</sup> Lieutenant Walsh questioned us briefly that morning about my uncle's relationship with Doris Duke, but he didn't seem to want to hear anything about what we found."

"It's highly unprofessional that you would be investigating a vehicular homicide and not get detailed statements from the first eyewitnesses on the scene," said retired NYPD Detective James Moss, who worked hundreds of murder cases over the years for Brooklyn South Homicide.<sup>153</sup> "Jimmy," a big gregarious Irish-American, was the cop with whom I'd worked that al Qaeda cold case murder in 2010. He agreed to visit Newport with me in early October 2018, fifty-two years after Tirella's death.

"On this Duke case," he said, "if you had family members there in town that you could question about the relationship between the killer and the decedent, you would absolutely want to talk to them in detail on the issue of a possible motive -- to determine if the death involved intent. Also when it came to Dr. McAllister, the M.E., *his* behavior was highly unethical. He was the highest medical law enforcement official in Newport that night and yet he decided to take on Miss Duke as his private patient. She was the primary person-of-interest and the only witness to the crash. How was he able to separate his official responsibility to the county from the apparent decision of Doris Duke's lawyers to lock her into a private room where the State Investigators from the Registry of Motor Vehicles couldn't get to her?"

I shared some of my investigative work product with Det. Moss and he came to this conclusion: “Very little about the way the Newport police handled this case had anything to do with responsible homicide investigation; particularly the fact that they wrapped it up in ninety-six hours principally on the basis of a Question and Answer interview which was requested by the person-of-interest’s own lawyers. Keep in mind that Doris Duke admitted driving the vehicle that violently killed Mr. Tirella. She had given a paper-thin account of it two days after his death and on that basis, Chief Radice was ready close out the case. Only *after* he was pressured by the State Attorney General for more, did he supposedly interview Miss Duke a second time.”<sup>154</sup>

## 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.<sup>155</sup> "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."<sup>156</sup>



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 9<sup>th</sup>, 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 today 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 Watts, Miss Duke's attorney, Wesley N. Fack 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 of the car to open them and the 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 she drove over to the driver's side to get into the car. Chief Radice said, “As 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 fractures 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 a hundred times before.”

But within hours, Rhode Island Attorney General J. 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 11<sup>th</sup>. 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.”

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?
- A. Mr. Tirella left the vehicle and/opened the gate. went to
- Q. Was this gate locked?
- A. Yes
- Q. Where were you sitting in the vehicle?
- A. In the front seat, passenger side.

*Doris Duke*

Statement of Davis Duke  
Page Two

October 11, 1966

- 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.

*Jos Duke*



Statement of Doris Duke  
Page Three

October 11, 1966

- 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 actually the third time you drove the car. Is that correct?  
A. Yes
- Q. Would you consider yourself totally 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.”<sup>157</sup>

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 9<sup>th</sup> 1966) and that he felt the initial statement was enough for our Department.<sup>158</sup>

“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 11<sup>th</sup> in “the drawing room of the 30 room mansion.”<sup>159</sup>

Still, after she fixed her signature to the Q&A which the cops had drafted for her, it was over. The next day, October 12<sup>th</sup>, 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.

<sup>160</sup> Chief Joseph A. Radice said: ‘As far as we’re concerned, the case is closed.’”

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.”<sup>161</sup>

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 Chippendale 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.<sup>162</sup>

On July 1<sup>st</sup>, 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.<sup>163</sup>

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.”<sup>164</sup> 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 billionaireess 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.<sup>165</sup>

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.

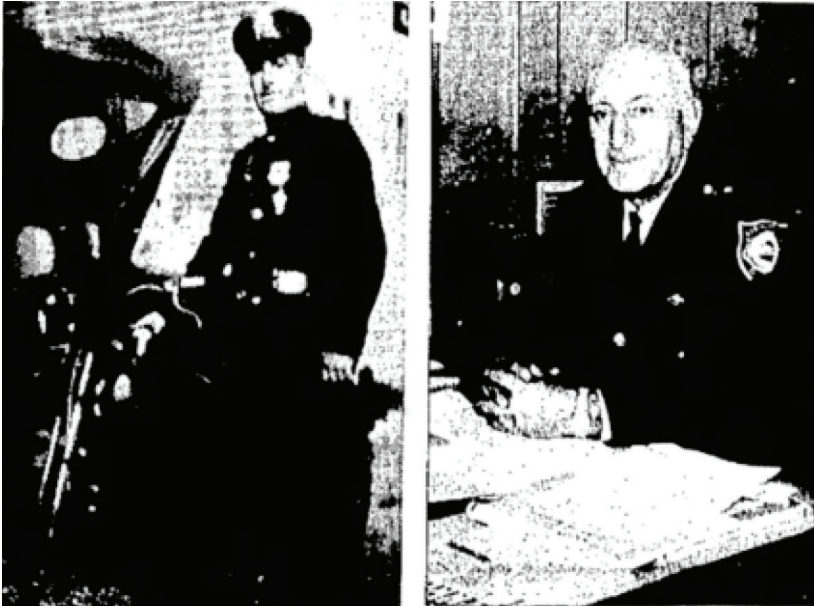


## CHAPTER TEN

# THE CHIEF, THE CONDOS & THE MOB

Seven months after summarily wrapping up the Eduardo Tirella homicide case, Chief Joseph A. Radice retired. By then he'd spent 42 years on the job. The rumors of how he may have profited by allowing Doris Duke to walk, still rebound on the dedicated Newport Facebook Group: "We all know she did it," wrote one Newporter, "The chief retired to Key Biscayne right next to Bebe Rebozo, Nixon's buddy." <sup>236</sup> Another speculated that he "bought an island off the Florida keys." <sup>237</sup> None of that is how it happened. But like so many aspects of this story, the many half-truths may contain the full truth.

Joseph Augustus Radice was a complicated figure. Born in 1899, with only an 8<sup>th</sup> grade education, <sup>238</sup> he put on a badge in 1925. By 1938 when he made Sergeant, he was already well schooled in the upstairs-downstairs rules that protected the wealthy and defined the working-class officials in Newport who catered to them. Back then, a single uniform was responsible for patrolling the entire ten-mile Ocean Drive.



Chief Joseph A. Radice as a young motorcycle cop (left) and on his last day in uniform 7 months after closing the Duke-Tirella homicide case.

“In the winter,” Radice recalled, “patrolmen had to walk in the snow and the ice. You couldn’t get a cup a coffee (or) a ride. No cars. But you could get warm if you knew somebody” on one of the estates.<sup>239</sup>

“Radice was a real bulldog and an outlier,” said retired Newport Fire Capt. Paul Faerber. “An Italian who hung on for more than four decades in a department dominated by the Irish.”<sup>240</sup> It took him 20 years to make chief, but long before the “unfortunate accident,” Radice was well acquainted with the reclusive heiress at Rough Point.

Ever since her father’s deathbed warning to “Trust no one,” Doris had been famously paranoid, allowing vicious German Shepherds and Akitas to roam the grounds of her estates in Newport, New Jersey, Beverly Hills and Hawaii, causing passersby to repeated get attacked and bitten.<sup>241</sup>

In May of 1964 after two tourists on Cliff Walk were victimized in a single week, Radice ordered “the destruction or removal” of two of her dogs.<sup>242</sup> Counter-puncher that she was, Doris made front page news a month later, after she cut off the Cliff Walk with chain link fences. She’d been in a pitched battle with the City since 1958 when she put up “heavy wire fencing and thorny bushes” along the Walk, one of the top tourist attractions in Rhode Island.<sup>243</sup>

Doris was the only estate owner to block the 3 ½ mile stretch; erecting fences as recently as four months before October 7<sup>th</sup>, 1966. <sup>244</sup> But all of that ended eight days after Tirella's death when The Duke Foundation made what was described as "the first substantial pledge" to The Cliff Walk Foundation then trying to raise \$493,000 toward a goal of \$1.2 million for the pathway's restoration. It was a clear message to the City. "Newport was reminded," wrote her godson Pony Duke," that "Doris was its only hope for refurbishment." <sup>245</sup>



Rough Point as seen today from CliffWalk. The dogs are long gone, but there is still a sense of foreboding about the estate. Despite dropping her lawsuit with Newport after Tirella's death and contributing to The Walk's restoration, the stretch surrounding the Duke estate remains the least passable section of the 3 ½ mile public walkway (Adam Fithers photos)

With respect to Tirella's homicide, if there *had* been a quid pro quo, nobody was in a position to benefit more than Joseph Radice. "Oh boy, the word was, 'Radice's gonna make out on this one,'" recalled Woody Ring, one of the first young police officers on the scene the night of the incident. <sup>246</sup> But did the Chief make out? And if so, for how much?

At the time he left the Newport PD in 1967, Radice's annual salary was a mere \$7,000. Four years later he bought the first of two units at The Warrenton House, a new condominium complex in Hollywood Florida. <sup>247</sup> He also owned a pair of lots near the beach in Middletown, the city adjacent to Newport. <sup>248</sup> In order to get some sense of whether any of the funds in his Florida property buys came from Doris Duke, one has to consider his tangled family connections.

## MARRIED INTO THE MOB

Radice's first wife was a waitress named Ada Pollack. In 1919 they had a daughter Mary, but eight years later, Radice abandoned both of them. "He walked out," recalls his granddaughter Elayne Paranzino, a former Roman Catholic nun. <sup>249</sup> "Ada was able to get a divorce on grounds of desertion. He paid nothing to her, and she would bring my mom every day to an orphanage, then walk to her waitressing job to support the two of them."

By 1935, still a patrolman, Radice was married to Agnes O'Loughlin, a typist at The Naval Training Station. <sup>250</sup> Nine years after that, they separated. <sup>251</sup> The date of their divorce is unclear, but in 1970 Radice married into a Mafia-related family when he exchanged vows in Miami with the former Mary Capochiano Flynn. <sup>252</sup> Her brother Dominic was a bookie for Raymond Patriarca, the Cosa Nostra boss of New England, based in Providence. That's according to her grandson, Andrew Flynn who loved Radice and considered him his surrogate grandfather.

"My blood grandfather David Flynn was a real violent guy and a nasty drunk," he said in an interview for this book. <sup>253</sup> "Somebody told him he needed to get out of town, and he was leaving when he got hit by a train."

The details of the accident in 1955 were highly suspicious.

At the time of the crash, Flynn's car was parked on a railroad crossing with gates down and lights flashing on either side of it. After impact with the New Haven Railroad's Merchant Limited, the vehicle was hurled 150 feet (with Flynn pinned inside). <sup>254</sup>

Andrew told me that he's sure it was murder.

"He'd been tied to the steering wheel at the time. Word in the family was that the Capochianos killed him." <sup>255</sup>

At that point, Joe Radice had made Captain, but this was one "accident" he didn't have to investigate, since it took place in Richmond, RI., some 25 miles away from Newport.

Radice died at the age of 98 in 1997. <sup>256</sup> By then, though he and his third wife wintered in Florida, his principal home was at 22 Rhode Island Avenue in Newport. Andrew said that Mary, his grandmother, got the chief's pension, and property records show that she inherited the last of Joe's Hollywood condominiums. <sup>257</sup>

Radice's granddaughter, Elayne, who long ago reconciled with him after she left The Sisters of Saint Joseph, told me that for years, she's had to live with the rumors that he'd been bought off by Doris Duke. "I was in the convent when the Tirella tragedy happened," she said. "But I confronted my grandfather one day. I said, 'Don't you lie to me.' He said 'None of these rumors are true, Elayne. I didn't get *any* money from her.' Then, when I pressed him, he chuckled. 'You think I was paid off? You can *have* it if we can find it.'" <sup>258</sup>

Still, a conflict remains within the Radice/Flynn/Paranzino family over where his money went. "My grandmother Mary, Joe's wife, got his pension, the condo and their house on Rhode Island Avenue," said Andrew. <sup>259</sup> It's unclear who in the family received the proceeds from the two lots in Middletown near Easton's Beach and Elayne insists that *she* got Radice's \$25,000 life insurance policy and nothing else. <sup>260</sup>

Meanwhile, property records in Broward County, Florida show that in 1971, while still maintaining his principal residence in Newport, Radice bought Unit 432 at the Warrenton House, a new four-story complex in Hollywood. The price was \$13,900 – the equivalent of \$88,588.00 today. He financed it with a down payment of \$4,780 which was 68% of his last year's salary as Chief. In 1976 he bought another apartment, Unit 433, in the same complex for \$19,000 and sold the first unit in 1977. <sup>261</sup>

Another Warrenton condo, Unit 428 on the same floor, was owned by Mary Radice's brother Dom (aka Donald) the mob bookie. <sup>262</sup> His widow Betty later sold that apartment to Elayne Paranzino's parents Albert and Mary. Radice's granddaughter contends that she had no knowledge of her parent's connection to the Warrenton complex, but she acknowledges that her father Al was Dominic Capochiano's partner in Ann's Kitchen, a popular Middletown restaurant, and that he too, ran numbers for Mafia boss Patriarca.

The mob ties to the Capochianos date to 1951 when the RI State Police raided two variety stores in Newport where bets were being placed. <sup>263</sup> One was co-owned by Dominic, whose sister Mary later became Radice's wife. After the raid she and her then husband David posted bail of \$1,500 for two of the arrestees - equivalent to \$14,790.00 today. It was an era before credit cards were in wide use, <sup>264</sup> so it's likely that the bond was posted in cash.

David Flynn was the same man who, four years later, was apparently murdered on the railroad tracks by his in-laws in the Capochiano family. Joseph Radice was a Lieutenant at the time of the raids, which State Police conducted in secret without informing the Newport PD. <sup>265</sup>

“That tells you something,” says retired NYPD Detective James Moss.

## OTHER BENEFICIARIES

With his property acquisitions in The Sunshine State and his complicated family connections, the rumors continue as to whether Chief Radice’s rush-to-judgement on the Duke-Tirella homicide financed his retirement. But one thing is clear: two other Newport cops directly connected to the case, benefited. Det. George Watts who took Dee Dee’s brief bedroom statement on Sunday the 9<sup>th</sup> was promoted to Sergeant within months <sup>266</sup> and Lt. Frank Walsh succeeded Radice as chief, <sup>267</sup> though the clear heir-apparent was Capt. Paul Sullivan, then the Chief of Detectives.



Capt. Paul Sullivan (left) the heir apparent for the Newport Police Chief’s job and former Lt. Frank H. Walsh who got it, at a press conferences in October 1967 following the arrest of Stephen Robertson. (Peter Lance photo)

might have even contemplated a run for Congress one day after serving as head of the Department. <sup>268</sup>

“No one was more qualified to succeed Radice,” says Tim, one of the late Sullivan’s sons. <sup>269</sup> “He was never quite right with the way the Duke case was handled.”

One of the biggest unanswered questions in my investigation was why *he* didn’t get the Chief’s job? Paul Sullivan was the effective Number Two in the department. An alumnus of USC and graduate of the FBI’s National Police Academy, he was also a civic leader. He’d been chairman of the annual March of Dimes drive and served on the Newport School Committee; a larger than life law man, who

Still, Captain Paul ended up ratifying that contrived Q&A and he testified at the civil trial that there had been “no foul play.”<sup>270</sup> So, if he *had* acquiesced to Radice, I was curious as to why Lt. Walsh had beat him out for the Chief’s job. After pulling my old *Daily News* files out of storage, I found a dog-eared Reporter’s Notebook, where I’d written three cryptic lines in the fall of 1967, during my first stint on *The Daily News*:

**-Robertson**

**-Tubley’s – Sullivan**

**-Doris**

Those lines brought me back to an encounter I’d had with Captain Sullivan a year after they closed the Duke-Tirella case. It happened on the day of the preliminary hearing in the Stephen Robertson murder at the same Superior Court house where my mother worked as a Deputy Clerk.

On the night after the two sailors were killed, when Steve had surrendered, he’d been arraigned at Police Headquarters and ordered held without bail pending trial. Moments later, he was led out in that perp walk and driven in a State Police unit to the Adult Correctional Institution, Rhode Island’s ominous maximum-security prison in Cranston, known as the ACI.

A week later they brought him back for the prelim and when it was over, Capt. Paul went to lunch at Tubley’s Spa, a coffee shop on the corner of Spring and Touro Streets near The Superior Courthouse. I still had a number of unanswered questions, so I tracked him down there and waited until he got up from the counter to pay his bill, catching him as he was about to exit.

“Captain Sullivan,” I said.

“Yeah?” He’d stepped onto the sidewalk and was about to cross Spring Street toward where his unmarked unit was parked.

“I wanted to ask you about the night Magoo walked into Headquarters.”

“What about it?” He was moving into the street now, so I stayed with him.

“I understand that after he walked into the lobby, nobody bothered searching him for a weapon.”

At that point he stopped. We were right in the middle of Spring, just a block up from the back door of The Quality Lunch.

“Who the hell told you that?”

“I’ve got my sources.”

“Yeah, well, charges have been filed against Steve and you know I can’t comment.”

He started moving, so I called out over his shoulder, “The way I heard it, you took Goo outside where he showed you the murder weapon in his car.”

That made him stop. He turned around. The light changed on Touro Street and traffic was now approaching us, but he held up his hand, like the street cop he’d once been and stopped the line of cars.

“So what’s the question?”

“At what point did you read him his rights?”

The Chief of Detectives gritted his teeth for a moment. He looked me up and down. I was standing in the middle of the street, holding up traffic along with him in my Madras jacket, skinny tie and chinos. Finally he smiled.

“Peter, you’re a De La Salle boy. You went to school with Steve...” He nodded toward the Court House. “Your mother Albina’s a wonderful woman, so I’ll do you a favor and say only this: Someday I’ll answer *that* question, just like someday you’ll find out what *really* happened in the Duke case.”

Before I could get off another question, he walked away.

I’ve only now gotten a chance to learn what he might have been hinting at. The truth behind Tirella’s death was actually uncovered *within hours* of his DOA at Newport Hospital and the Police Department, at the highest levels, had conspired with Doris’s lawyers to cover it up.

But if Captain Paul Sullivan had fallen on his sword for Doris Duke, it didn’t help him. When he retired in 1976 after 30 years, his last assignment was as Night Watch Commander of The Patrol Division. In law enforcement terms, he ended up in Siberia.



# ABOUT THE AUTHOR

Peter Lance, a graduate of Northeastern University, Columbia University's Graduate School of Journalism and Fordham University's School of Law, won five Emmys for his work as a producer and correspondent for WNET and ABC News. In addition to The Sevellon Brown Award he won The Robert F. Kennedy Journalism Award, The Scripps Howard Prize and The National Headliner Award. Mid-career he worked as a writer, producer or showrunner on multiple network television series including *Crime Story*, *Miami Vice*, *Wiseguy*, and *JAG*. Between 2003 and 2013 HarperCollins published four of his investigative books, *1000 Years for Revenge*, *Cover-up*, *Triple Cross* and *Deal With The Devil*. Lance's first novel, *First Degree Burn*, sold out of its print run of 55,000 in 1997 when first published by Berkley; earning a page-one story in the WSJ and a starred review in *Publisher's Weekly*. In 2014 he wrote the forward to a new edition of *Murder, Inc.*, the true crime classic by Burton Turkus and Sid Feder first published in 1951. *Homicide At Rough Point* emerged from his investigation chronicled in the July/August 2020 edition of *Vanity Fair*. His website is [peterlance.com](http://peterlance.com) email: [pl@peterlance.com](mailto:pl@peterlance.com)

