



# Justice Perverted

**The Molestation Mistrial of  
Richard Charles Haefner**

**Derek J. Sherwood**

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DEREK J. SHERWOOD



Exposit

*Jefferson, North Carolina*

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Front cover top left The so-called “Black Hole,” the bulk rock and mineral storage garage where Kevin was allegedly molested. Based on the descriptions given at trial, the space rented by the Haefner family is located behind the garage door at the far left corner. Top right Dr. Richard Charles Haefner, Ph.D., lecturing. Photograph date is unknown, believed to be somewhere between 1969–1972. (photographs from author’s collection)

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To my sons,  
Paxton and Liam.  
In the words of Davy Crockett,  
“Be always sure you’re right—  
then go ahead!”

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JUDGE ABNER MIKVA, UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA: Pretrial publicity is not the big difficulty. It is generic prejudice. I do not think you can get a fair child abuse trial before a jury anywhere in the country. I really don't.... I do not care how sophisticated or how smart jurors are, when they hear that a child has been abused, a piece of their mind closes up, and this goes for the judge, the juror, and all of us.

FORD ROWAN: But could you interpret that differently and say the so-called "generic prejudice" is really the sense of justice that a community may have?

MIKVA: Sure, but then the sense of justice unfortunately becomes itself generic, and we do not care whether it is the right individual or not. Somebody should be punished for this heinous crime.

—Jack C. Doppelt, "Generic Prejudice: How Drug War Fervor Threatens the Right to a Fair Trial"

"Fundamental to the conduct of a criminal trial are the principles that the Constitutional Rights of the Defendant be safeguarded and that the inherent right of the Defendant and the Commonwealth to have a fair trial be fulfilled."

—Anthony R. Appel, Lancaster County Court Judge, 1976

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# Timeline

**November 1, 1962**—Eighteen-year-old Rick attempts to solicit an elementary school student for sex while working at the YMCA swimming program. It is reported to the district attorney and police but nothing is done.

**August 23–August 27, 1965**—Rick repeatedly masturbates two brothers, ages 10 and 11, while on an unsupervised trip to Ocean City, Maryland. It is reported to the Lancaster Recreation Commission but not to police.

**Monday, June 30, 1975**—Kevin reports for his first day of work at the rock shop on Nevin Street.

**Tuesday, July 1, 1975**—Randy begins work at the rock shop on Nevin Street.

**Wednesday, July 2, 1975**—Kevin and Rick go to the Black Hole, the second garage near Reynolds Middle School. This is the only day the molestation could have taken place, and it is the day Randy alleges in his rebuttal testimony. Randy claims he did not go with them, while Bumper claims Randy was along.

**Thursday, July 3, 1975**—Kevin is fired from the rock shop after work. His time card is left un-initialed by Rick Haefner as he would not return to work.

**Friday, July 4, 1975**—The rock shop is closed for Independence Day.

**Tuesday, August 12, 1975**—Randy and Rick go camping.

**Wednesday, August 13, 1975**—Randy and Rick visit Cornwall Iron Furnace outside Lebanon, Pennsylvania. Randy reports his alleged molestation upon his return home and police are called. Kevin also reports his own experiences at this time.

**Friday, August 15, 1975**—Rick is arrested, polygraphed, and charged on Kevin and Randy's accusations.

**November 7, 1975**—A preliminary hearing is held on Kevin's case.

**December 3, 1975**—A preliminary hearing is held on Randy's case. Kevin's preliminary hearing is continued.

**January 26, 1976**—*Commonwealth vs. Haefner*, the criminal trial in the matter of Kevin's case, begins.

**February 2, 1976**—The date of the alleged bribery incident between Detective Crump and witness Randy, seen together in the restroom by Terry Hess.

**February 2, 1976**—The trial ends and Rick is taken to Lancaster County Prison to serve his contempt of court sentence.

**February 14, 1976**—Rick is released from prison on the contempt of court charges.

**February 19, 1976**—The date by which the Lancaster Recreation Commission was required to produce Rick's case file to Officer Jerry Crump, per subpoena.

**March 10 and 11, 1976**—A motion to quash hearing in regard to the retrial attempt on the charges presented in *Commonwealth vs. Haefner* introduces perjury allegations by Terry Hess relating to the bribery incident during the trial.

**March 19, 1976**—Terry Hess is told to come to the police station. An investigation by Detective Geesey results.

**May 1976**—Detective Geesey investigates the alleged perjury by Lancaster County Prison officials in the Haefner case.

**June 17, 1976**—Hess is arrested based on Geesey's advice.

**August 27 and 28, 1976**—A hearing is held on the Terry Hess perjury charges.

**August 30, 1976**—The Pennsylvania Supreme Court, because of the intervention on Rick's behalf by his new attorney Richard Sprague, orders all proceedings stayed until a decision can be reached.

**March 9, 1979**—The Pennsylvania Superior Court issues an order that Rick cannot be tried again in Kevin's case.

**March 7, 1980**—The Lancaster district attorney's office drops charges against Rick in Randy's case for insufficient evidence.

**May 1980**—The Lancaster district attorney's office drops charges against Terry Hess.

**June 4, 1980**—Rick composes a suicide note.

**Fall 1980**—Rick contacts the FBI to allege a civil rights conspiracy in the Lancaster justice system.

**1981**—The Pennsylvania Superior Court upholds the expungement of Rick's criminal records and files.

**1988**—Some documents still in existence from the trial are finally purged. No reason is given as to why these documents still existed despite a court order seven years prior.

**1990s–2002**—Final decisions are reached in the remainder of the civil cases stemming from this trial.

**2010–present**—Researchers continue to uncover documents and reports that should have been expunged via Freedom of Information Act and Pennsylvania Right to Know Law requests.

## Preface

This book was written between 2011 and 2012 and then shelved. I was uncomfortable with the graphic content and the idea of who was right or wrong in this case. Everyone seemed wrong; everyone was bad—police, prosecutors, the accused. There were no heroes and I like to read (and write) about heroes, or at least to believe they are there.

I picked it up again and final editing took place in 2017. I realized I had to finish it as my mind kept returning to it. In doing so, I realized there were heroes here—the defense lawyers. Men like James Heinly and Richard Sprague, and women like Gene Pratter, who worked for Sprague’s firm. They stood up when no one else would and tried to ensure that an unlikeable character like Haefner got a fair trial. I’d put forth the idea that if Haefner doesn’t deserve a fair trial, then who does? I’m not sure he got it, as you will see later on—but the defense lawyers tried.

I wrote this book, to paraphrase Shakespeare, “not to praise Haefner, but to bury him.” His story contains all of the elements of a classical tragedy—incredible heights of achievement, depravity, and corruption—and the circumstances surrounding his downfall and the abysmal failures of those in power to stop him have been hidden from view now for almost 40 years. It’s time to put it all to rest.

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# Introduction

Lancaster County, Pennsylvania, has a great deal of history. Dating back as far as William Penn's original charter territories in 1681, the area—named for a city in England—has been settled since around 1710. The fields and hills of Lancaster County are bordered by the Susquehanna River, named for the native Susquehannock (“people of the muddy river” in Algonquian) Indians, who inhabited the area prior to white settlement in the 1700s. In 1734, the city of Lancaster proper was laid out by James Hamilton.

Lancaster even served as the capital of the American colonies for a single day in September 1777 after Philadelphia was captured by British troops. The Continental Congress fled first to Lancaster, then further west, to York, Pennsylvania, safely across the Susquehanna River.

Most of the Lancaster economy revolves around farming and manufacturing, although outlet shopping and musical theater are also popular business models. By far, the biggest draw to Lancaster County is the tourism industry, aimed mainly at visitors interested in the Pennsylvania Dutch or Amish communities that call the Susquehanna Valley their home, or the railroad and farm museums that dot the area. Another popular draw is the Wheatland mansion of former president James Buchanan.

Despite being a sleepy county where horse-and-buggy rigs clatter down highways alongside the latest cars and trucks, Lancaster has not been without its share of controversial legal trials. Like many small towns, the interests of powerful people often clash with those of ordinary individuals, and crimes often go unsolved, unreported or unprosecuted. Institutional memories are long in Lancaster County, and simply getting away with something once or twice doesn't guarantee there will be no implications down the road.

As in many areas around the country, the police are often the *de facto* enforcers of morality and law, and they are at the front of the trends that

change these spheres forever. New residents, new ideas, and shifting social mores mean the attitudes and traditions of the area are always confronted with change. In Lancaster, the past is in constant conflict with the present and the future.

The world was changing in the 1960s and 1970s. Homosexuality was still kept secret and illegal in many areas; the American Psychiatric Association didn't remove it from the DSM-IV as a listed mental illness until 1973, and even then laws against homosexual activity persisted for years. Marijuana and other drugs were concerns, but now communities also had to deal with "gays."

Child molestation, which had always existed in society, was starting to come to the forefront, but in a different way. In 1975, Dwayne Tinsley, a cartoonist for *Hustler* magazine who was later imprisoned for molesting his own daughter, produced a comic strip called "Chester the Molester" for the magazine that made light of child abuse.

As Philip Jenkins tells us in his book *Moral Panic: Changing Concepts of the Child Molester*, ideas about the harm pedophilia may cause to children, as well as the seriousness of the problem as a whole, have changed drastically in the last quarter of a century. What was unacceptable and a problem in the 1940s would not be by the 1950s. Changing views cause an ebb and flow to public opinion that, while normal, can sometimes strand certain individuals or flood others if they are not prepared.

Jenkins states in his introduction that "a book from the 1960s, for example, would state what was then orthodoxy: molestation was a very infrequent offense unlikely to cause significant harm ... and molesters were confused inadequates unlikely to repeat their offenses."<sup>1</sup> Furthermore, Jenkins tells us, the Kinsey report on human sexual behavior argued that "the emotional reactions of parents, police officers, and other adults who discover that a child has had such a contact may disturb the child more than the contact itself."<sup>2</sup> Essentially, handling pedophile offenders internally through the organization itself, or through discrete outside counseling for the offender, without involving the authorities, was preferable to the potential hysteria that could result from allegations being made public. Perhaps these

misguided beliefs may explain some of the almost unbelievable events that preceded *Commonwealth vs. Haefner*, the handling of which paved the way for what happened there.

\* \* \*

For many years, children who reported abuse were viewed with the same disdain as rape victims—they must have done something to tempt the virtuous adult to commit the offense (young girls were referred to as “Lolitas”), or they were outright liars playing for effect to massive societal overreaction, as would be seen during the Franklin scandal and the McMartin preschool case, both part of the Satanic ritual abuse panic of the 1980s. Today, a report like Kevin Burkey made against Richard Haefner would, I have no doubt, be fully and confidently investigated and with the utmost seriousness ascribed to it until proven otherwise.

Many of the events in this book—including the many chances law enforcement and others had to put an end to the abuse—will be hard to understand unless you keep firmly in mind the fact that Richard Haefner literally existed in a different time. The men who heard about what he had done and tried to help him, who failed to report him to police, or who failed to act on reports that were made were from this same Twilight Zone, which seems utterly alien to us living in the era of Megan’s Law, AMBER Alerts, and registered sex offender websites.

Thankfully, the pendulum was beginning to swing in favor of a more serious handling of child molesters by the late 1970s, and attitudes were beginning to change in Lancaster as well as throughout the nation. In the meantime, Rick Haefner and others like him still held sway—free to ply their deviant trade and fulfill their fantasies with little fear of being stopped, as long as they were relatively smart about it.

It is in this environment of changing social mores and values in a county that gave us the Conestoga wagon, Robert Fulton and his steamboat, the asphalt paving process used on highways, and the first battery-powered wristwatch that the story of Richard Haefner and his 1975 arrest and 1976 trial unfolds. The aftershocks of the arrest and trial of Richard Haefner

would rattle Lancaster County and the Pennsylvania legal system for the next 25 years.

\* \* \*

I first read about the Haefner molestation trial while researching Haefner for my 2011 book *Who Killed Betsy? Uncovering Penn State University's Most Notorious Unsolved Crime*, about the Betsy Aardsma murder inside Pattee Library in 1969. (Astute readers will notice some of the information about Rick's background from *Who Killed Betsy* appears here, as the information overlapped.) During my investigations, I uncovered Richard Haefner's name as a result of his strange behavior the night of the murder and was looking into him as a potential suspect. I had been digging for information about his life since the Aardsma murder to see if there were any clues to his behavior before or after that might point to his capability to commit such a crime. I didn't have to dig very far. I quickly found out Haefner was notorious in Lancaster as a pedophile and general weirdo, the type of guy you didn't want to live across the street from, or rub the wrong way if you came into contact with him.

The genesis of this label, and Haefner's adversarial behavior in Lancaster, seemed to be a court case from 1976 in which Haefner was tried for involuntary deviate sexual intercourse and corruption of minors. The case was based on accusations made by some boys who worked for him at his family-owned geological specimen preparation business. It ended in a mistrial due to a hung jury and Haefner walked. He spent the rest of his life trying to clear his name in civil court as a result of the accusations. It seemed important to me to find out as much as I could about the case—officially titled *Commonwealth vs. Haefner*—as it would provide a firsthand look at how Rick reacted to questioning, stress, and the legal process. Was he credible? Could he lie? How did he explain the allegations against him in this case?

My grandfather often said historical events are like a game of chess—it is impossible to put all of the pieces back on the board in the same way they were at the time to get the same end result. I knew that, in order to understand what had happened with the Haefner trial, I had to put as many of the pieces back on the board as possible. I thought the task should be

simple enough, given that most court cases—especially those as hotly contested as *Commonwealth vs. Haefner*—are well documented with transcripts, filings, and other legal paperwork. A simple email request to the Lancaster County records offices produced a directory to thousands of pages of legal paperwork from Haefner’s various legal entanglements, available to me at \$0.25 per page photocopied, plus shipping. I thought I was off to a pretty good start.

I soon learned trying to find out more information about *Commonwealth vs. Haefner* wasn’t as easy as it seemed. Haefner had, through a number of legal proceedings, succeeded in getting the entire record of the trial expunged. Preliminary hearing results, lie detector test results, trial transcripts, psychological evaluation results—everything was ordered destroyed by the Superior Court of Pennsylvania, and, presumably, the order had been carried out. Many of the individuals involved in the case had died, moved, or wouldn’t talk about what happened. Newspaper coverage of the trial was sensational and only partly informational.

It seemed as though I would never be able to completely understand what happened at the trial and I would only be able to look at *Commonwealth vs. Haefner* obliquely, feeling my way around the edges through Superior Court decisions, snippets of testimony used in newspaper articles, and the hazy memories of the few individuals still living who were directly involved, without ever being able to get at the heart of the matter. Disappointing, perhaps, but that was just how it would have to be. Too much time had passed to be able to uncover the truth. The chess pieces could never be put back on the board.

Just as I was about to give up on the whole idea of really understanding what transpired in Courtroom 4 of the Lancaster County Courthouse during those winter days in 1976, a number of things happened. Luck, or fate, intervened. While I was questioning a former associate of Rick’s about some of his behavior later in life, he happened to mention he knew someone who had kept a lot of Rick’s court documents and information. Was I interested in meeting him and seeing if he had anything I could use? Of course I said yes and immediately made plans to set up the meeting.

Above a muffler shop in the heart of Lancaster County, I met with an elderly man who lived alone and who had been business partners with Rick for a number of years, helping to run the traveling gem mine stands Haefner operated at local fairs. He had been accused of being a pedophile as well, by a vindictive ex-wife, so he and Rick were naturally simpatico in that they were both social outcasts. He enjoyed videotaping old television shows, and after Rick died, he asked Rick's brother George if he could keep a few boxes of VHS tapes Rick had in his house so he could reuse them rather than purchase blank tapes, which were becom[HYPHEN]ing costly and hard to find.

As we talked, he began coughing. Asthma, he said, although it sounded more like lung cancer to me. He took several deep puffs on an inhaler. I began to feel a bit uncomfortable about the whole thing. So far, all he had done was tell me about Rick. He didn't seem to have any evidence as he had first claimed.

Then he produced the VHS tapes, at least 70–80 of them in a Rubbermaid storage container. I was shocked to see many had typewritten labels related to *Commonwealth vs. Haefner*: COMMONWEALTH VS. HAEFNER, ANTHONY APPEL DEPOSITION, 1988—there was the trial judge's deposition. COMMONWEALTH VS. HAEFNER, JERRY CRUMP DEPOSITION, 1988—the arresting officer.

There were about two dozen relevant tapes in the whole batch. They contained depositions conducted under oath by Haefner and a notary public, and they included irreplaceable interviews with people who had since died. These tapes formed the backbone of my research into *Commonwealth vs. Haefner*—an invaluable primary resource—and they gave me the inspiration to keep digging that led to the second major breakthrough I had in researching the case.

While watching the videos, most of which dated from the period 1984–1988, I often noticed Rick produced his own personal copy of what appeared to be the transcript of his 1976 trial—all copies of which the Superior Court ordered destroyed in 1981. Since that one copy survived, I knew there was a chance a transcript existed. It was a needle in a haystack, to be sure. It turned into an obsession.

I interviewed anyone I could possibly track down who had ever worked with Rick—any attorney who defended him, any attorney who prosecuted him. Some had worked their way up in the legal system to become judges (one was even a federal judge); others had retired. Most had long since destroyed their files from then to make space for new files. All of them simply wanted to forget their interactions with Haefner altogether.

Finally, after almost a year of searching, I was able to find someone who had kept Rick's personal copy of the trial transcript, along with a number of transcripts and interviews that were produced for several of the videotaped depositions I did not possess. As I read these documents, I realized there was so much more to *Commonwealth vs. Haefner* than just a simple molestation trial. There were allegations of bribery; prosecutorial misconduct; even hints of collusion between local leaders to “finally get Haefner.” The tapes and transcripts by themselves raised more questions than they answered. I have tried to answer some of those questions here, with further research.

Of course, not all of the evidence is available to me. For example, Rick himself underwent a deposition that lasted three full days in the late 1980s as a part of his civil trials. I was unable to find it. He tells his version of events here through his FBI interview and his trial testimony.

The transcript of Rick's “motion to quash” his retrial hearing on March 10 and 11, 1976, has also disappeared—this was the key hearing where Terry Hess testified as to what he experienced in the men's room on the last day of Rick's trial. Information about these events has been pieced together from other, still extant sources. I believe I have produced as clear a picture as will ever exist of what transpired in this case.

*Commonwealth vs. Haefner* is important not only because it is a fascinating glimpse into the Pennsylvania and Lancaster County legal systems in the 1970s, but also because its resulting implications influence Pennsylvania law to this day. *Commonwealth vs. Haefner*, carried all the way to the Pennsylvania Superior Court, determined that a mistrial by hung jury was considered a favorable outcome in regard to filing civil lawsuits by an accused party in Pennsylvania courts and that it was considered a favorable termination of prosecution such that double jeopardy laws applied and the

case could not be tried again.<sup>3</sup> *Commonwealth vs. Haefner* has been cited dozens of times in the years since for this reason alone. Until now, students of law or interested individuals could not study it and come to their own conclusions about the facts, or even fully understand the circumstances that gave us this precedent.

*Commonwealth vs. Haefner* also gives true-crime readers, interested members of the community, and students of legal history, a unique insight into the concept of prejudice and misconduct in the courtroom. Professor Neil Vidmar of Duke University has performed a number of studies into the various types of prejudice that can occur in a legal trial. Among these types of prejudice are interest prejudice, specific prejudice, conformity prejudice, and generic prejudice. In Chapter Three of the book *Jury Psychology: Social Aspects of Trial Processes*, these types of prejudices are concisely defined as follows:

Interest prejudice is defined as a potential juror having a direct or indirect interest in the outcome of the trial itself; specific prejudice occurs when jurors hold beliefs about specific issues in the case at bar or specific opinions about one or more parties or facts; conformity prejudice is defined as community expectations about the appropriate verdict outcome influencing the jury verdict; this occurs when jurors know what outcome the community expects and would be influenced to reach a verdict in accordance with that pressure (Vidmar, 2002, pp. 77–82)... Conformity prejudice may also be at play in verdict choices in highly-publicized trials once a jury is seated, or in any trial where public outrage could be an issue.... Generic prejudice is different from other types of judicial bias as “the nature of the crime or the type of parties involved cause the juror to classify the case as having certain characteristics, thereby invoking stereotyped prejudices about any defendant accused of the crime” (Vidmar, 1997, p. 6). Thus, by simply hearing that the defendant at trial has been accused of having committed a particular crime, a set of biases are triggered in the mind of jurors due to the nature of that crime regardless of the case facts.

All of these types of prejudices, especially generic prejudice, are frequently seen in child abuse or child molestation cases. To a great extent, most of

these prejudices can be seen in *Commonwealth vs. Haefner*, making the case not just an interesting one from a social, regional, or historical standpoint, but also from a legal scholarship standpoint. This makes understanding the mistakes and outcomes of *Commonwealth vs. Haefner* an even more important endeavor. This concept may also mean the lone juror who deadlocked the case by siding with Haefner was, in fact, trying to follow the spirit of the law whether he knew it or not. At the very least, he was displaying his own form of prejudice. More on that later, though.

The other significant outcome from *Commonwealth vs. Haefner* was the legal result of Haefner's later retaliatory civil court filing, *Haefner vs. Burkey*. Here, Pennsylvania law was changed so that in order to prove a case of malicious prosecution, a plaintiff had to be able to fulfill all four tenets of malicious prosecution under federal law: that the defendants initiated a criminal proceeding; that the criminal proceeding terminated in the plaintiff's favor; that the proceeding was initiated without probable cause; and that the defendants acted maliciously or for a purpose other than bringing the plaintiff to justice.<sup>4</sup> Like *Commonwealth vs. Haefner*, this legal precedent has influenced Pennsylvania law for the last 25 years.

\* \* \*

It is incredibly rare to be able to access candid interviews, under oath, from all parties to a legal trial. In most cases, reporters, authors, and researchers only get to hear the information people involved feel will make them look good or will help to strengthen their case or explain their behavior. With the passage of time, even being able to speak with the individuals involved becomes difficult or impossible—people move, retire, pass away, or refuse to speak about their involvement. Documents are lost, intentionally or accidentally, or are purged as overwhelmed courts convert their records electronically or simply send them to the shredder.

The events surrounding *Commonwealth vs. Haefner* can be examined from a 360-degree perspective. The interviews and recollections found here were never intended to be used outside of a legal proceeding, and, as a result, the honesty and directness of many of them is refreshing and insightful.

What follows is my attempt to put the chess pieces back on the board one last time, so future generations can understand the legal and personal drama behind one of the biggest molestation trials to hit Lancaster County, or the state of Pennsylvania, for that matter, prior to the Jerry Sandusky/Penn State University sex abuse scandal in 2011. I hope we can all gain a better understanding of the human costs of pedophilia as well as the questions associated with the legal and moral implications of prosecuting these cases, where even the accusation of pedophilia can be as personally and professionally damaging as a conviction.

Coming to a personal conclusion about what lengths society should go to in order to put offenders away is another take-away I hope readers will think about. On any number of levels, the legacy of *Commonwealth vs. Haefner* is far too important to be relegated to the dust bin of local history based solely on Haefner's insistence that the truth be expunged to preserve his "good name." I hope you will come to your own conclusions about the case as presented here.

A word about names: I have used the real names of individuals involved in *Commonwealth vs. Haefner* wherever possible, with the exception of the last names of one of the two boys who was allegedly molested and is still alive. Despite the fact that his name was brought into the public record numerous times through various civil court filings by Haefner, it is my belief he has suffered enough. I have chosen to identify him only by his first name for the purposes of this book.

Also, I have preserved the punctuation used in the original court transcripts where applicable so as not to change the feel of the testimony. I have corrected obvious spelling errors but in some cases punctuation may not be grammatically correct—it appears as it did when the transcriptionist took the testimony.

# CHAPTER 1

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## Kevin

“I think now and then kids are going to tell lies but I don’t think he is lying about this.”—Kevin’s mother

DISTRICT ATTORNEY KENNEFF: Can you tell us whether or not Mr. Haefner ever put your penis in his mouth?

KEVIN: No.

DEFENSE ATTORNEY HEINLY: What do you mean; you can’t tell us or he didn’t?

KEVIN: He didn’t.

—Preliminary Hearing Transcript, November 7 and December 3, 1975

*217 Nevin Street, Lancaster, Pennsylvania. July 2, 1975. Lunchtime.*

“Kevin, get in the car. I need you to help me bring some rocks back from the Black Hole.”

It was around noon, the hottest part of the day, and the kids were processing rocks for the Smithsonian Museum gift shop in the garage next to the alley beside Rick Haefner’s house. Randy, one of the new hires, was working with Jim, helping to crack the larger samples of rocks into smaller, more decorative pieces. These pieces were then tumbled, polished, covered in a clear lacquer that gave them a wet, shiny look, and glued onto cards placed in the boxes or slipped into the plastic bags used to hold the smaller collections.

Two of the other boys, rock shop veterans Chris “Bumper” Haefner and Bob Freiler, were already at lunch. Kevin, who had just started working on Monday, June 30, was gluing the rocks to the cards when Rick approached him and asked him to get in the car.<sup>1</sup>

It was a strange choice, asking 12-year-old Kevin to go to the Black Hole. He was a smaller boy, and it was only his third day on the job. The Black Hole was the family nickname for another garage the Haefners rented, where they stored barrels and large boxes of uncracked specimens of rock until they were ready for them to be broken down and prepared at the rock shop.



**The “Black Hole,” the bulk rock and mineral storage garage where Kevin was allegedly molested. Based on the descriptions given at trial, the space rented by the Haefner family is located behind the garage door at the far left corner (author’s collection).**

It was only about a block from the Nevin Street garage, at 557 West Madison Street, near Reynolds Middle School. In a collection of garages owned at the time by Dr. Robert Hess, a dentist from Quarryville, the Black Hole was a great place to store the raw geological samples the Haefners bought by the barrelful. The area was anonymous and private; there was no reason for a thief or vandal to pick one windowless garage over any other to engage in mischief, so theft wasn't an issue, and it was rare to see any of the other renters visiting their units.

Typically, Rick and his father went to the Black Hole, because the barrels and boxes of rocks often weighed several hundred pounds—far too heavy for a boy like Kevin or any of the other boys who worked for them. Sometimes they brought a boy along to help, but mostly they didn't even bother, preferring to do the heavy lifting themselves. For whatever reason, it was Kevin's turn to get into the white Ford Rick's parents owned and head up to the other property.

July 4 fell on a Friday in 1975, and Kevin's first week of work at the rock shop was a short one. "We had off Friday," he said. With a working mother and no father living with him, Kevin rarely brought his lunch from home, instead bringing money or relying on the kindness of Rick's mother, Ere Haefner, to provide food for some of the boys. He hadn't eaten yet and was probably starting to feel hungry as they pulled into the West Madison Street alley where they got out of the car.<sup>2</sup>

"There are about twenty garages there," Kevin remembered later. The garages were in a U-shape, with the open end of the U facing the alley. Kevin had never been there before, but when they arrived, he found the Black Hole was one of the garages in the back corner. According to Kevin, it had double wooden barn-style doors that locked from the outside and a single light bulb hanging from the ceiling.<sup>3</sup> The weather was hot, and Kevin had taken his outer shirt and his t-shirt off. He was sweating already and it wasn't going to get any better, moving barrels of rocks in the stuffy, flat-roofed garage.<sup>4</sup>

“He drove up to the garage and unlocked it and we went in and he was looking for a couple of rocks.” Still new to all things geological, Kevin wasn’t sure what kind of rocks they were supposed to be getting. “I don’t know rocks that much, just [the] sparkly kind, black, like monkey gold,” was all he could remember later.<sup>5</sup> When he entered the garage, Kevin found it was full of barrels of rocks and bags of specimens, along with some yard waste, some kind of pruning or tree-trimming tool, a table sander, and an open space in the middle of the floor covered with a rug. The outer cinderblock walls of the garage were painted a dull battleship gray, and the wood rafters over his head were bare. Entering the garage, with Rick following, Kevin turned around. He noticed the door was open about a foot.<sup>6</sup>

Things began to move quickly. “He [Rick] asked if I wanted to be rubbed, you know. He rubbed me with Bismoline powder. And he started going down.” After Rick rubbed Kevin’s chest, he “rubbed down and down into my pants. He unbuttoned them. I mean, he opened my button and my zipper and started rubbing me down there. After that he jerked me off.” Kevin described the motion. “He put his two fingers and his thumb on the tip of it” and masturbated him for a minute or two. Then he placed his mouth around Kevin’s testicles. At this point, Kevin was lying down on the carpet in the middle of the garage, with Rick on his knees in front of him. His pants were down around his thighs.<sup>7</sup>

After a few interminable minutes of being touched and mouthed by Rick, the assault stopped. Kevin hadn’t climaxed. The two got back in the car and went back to the garage at Nevin Street. Kevin chose not to tell anyone that day, according to his recollections a few months later. He didn’t tell his father because, in his words, “my dad gets a little mad when he finds out about stuff like this.”<sup>8</sup> He also chose not to tell his mother, according to his own testimony, because he was afraid she’d be mad as well. He also chose not to tell his friend Randy, whom he helped to get the job at the Haefners’ shop. “I thought if it had happened to me, it might have happened, the same thing to him. I was waiting until it happened to Randy.”<sup>9</sup>

Kevin worked two more days for Rick—the balance of July 2, and the following day, July 3. He was off on July 4. Unbeknownst to him, the

Haefners had decided they didn't want to keep him on. They called his mother on Sunday night, July 6 and told her they "just didn't need me no more," because they had too much help. They didn't tell her there were other concerns—George, Rick's father, and Bob Freiler had caught Kevin trying to steal a piece of rose quartz earlier in the week and told him to put it back.<sup>10</sup> They also didn't like some of the language and talk he allegedly used around the other boys. Whatever the reason, they decided not to keep him on.<sup>11</sup>

Kevin came around on his bicycle for a couple of days the following week, watching his friends work. Depending who you ask, he may have confronted Rick's mother, telling her to "stick her finger up her ass" for firing him. Kevin denied this, saying he only came back to watch his friends work, not to confront Ere, and he got tired of riding over to the garage after a day or two.<sup>12</sup>

According to his own recollections, it was not until August that Kevin told police about what happened to him—and as he suspected, it happened to Randy as well. After Randy returned from his camping trip with Rick, and Kevin heard what happened to Randy, he decided to come forward with his own story. Kevin later told the court he only said something when Randy and his brother Jim were in the room with him and the police after Randy reported his molestation in August.<sup>13</sup>

Kevin's mother Eileen remembered somewhat differently how she heard about the assault for the first time. "I think it was in July. I was walking home from work and I met Kevin on Lemon Street. I met Kevin on the way home from work on Lemon Street, and he had told me that Randy told his mother what happened, and then that's how I found out about Kevin and that it had happened to him. He told me later on then."<sup>14</sup>

"We were sitting in the kitchen at the kitchen table and then I asked him what happened and he told me. He was rather confused. I think he was afraid to tell me right away what he did. He said at first he didn't do anything but then he told me later on, about a week or so later, what he did do but he didn't tell me right away. I think he was afraid."<sup>15</sup>

Eileen continued. “He said Richard said, ‘okay, Kevin, here is what a blow job is’ and then he went and did it.” Richard told him to lie down and started pulling his pants down. Later Kevin said, “I don’t want to,” but Rick did not stop. Did Rick actually perform a “blow job” on her son? “I asked him, look, did Richard have your thing in his mouth? He says, no. I think he was afraid to tell me.” He told her “Richard had [Kevin’s] balls in his mouth. That’s what he told me.”<sup>16</sup>

Kevin initially claimed to police and others Rick stopped after placing his testicles in his mouth, never actually placing Kevin’s penis into his mouth as he later claimed at preliminary hearings. Years later, when interviewed under oath, Kevin’s versions of events changed again. “I just remember [Rick] was all over it ... like a hog,” he said, his eyes gleaming.<sup>17</sup> “[Rick] flipped me over ... tried to take me anally.” In some retellings, Rick had a knife or straight razor he used to menace Kevin while he molested him.<sup>18</sup> Despite these inconsistencies, Kevin never recanted his testimony about Rick’s alleged acts.

## CHAPTER 2

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### Randy

DISTRICT MAGISTRATE LEES: How old are you?

RANDY: Fourteen.

DISTRICT MAGISTRATE LEES: Do you know the difference between a lie and telling the truth?

RANDY: Yeah.

—Randy’s swearing-in at his preliminary hearing, December 3, 1975

*Tuesday, August 12, 1975. 7:30 p.m.*

Rick Haefner’s car pulled up in front of Randy’s house in downtown Lancaster. Wearing a t-shirt and khaki slacks, he stepped out of the car and walked up to the front porch, chatting briefly with Randy’s mom as 14-year-old Randy brought his camping gear down the steps and set it near the trunk of the white Ford Rick shared with his parents. Rick originally promised to provide everything they needed, but in the end, “he [only] had a tent, and then he told me to bring my sleeping bag and pillow and stuff,” Randy remembered. The stated purpose of the trip, according to Randy, was “to go up there and stay overnight and camp there. Up in the mountains someplace. He said he wanted to go up and have a good time up there and take it easy.”<sup>1</sup>

This wasn’t the first time Rick had taken Randy and his friends on geological adventures outside Lancaster County. A few days before, Randy said, “we went up to right on the border of Maryland. We went up to this quarry and we were digging up some rocks.” He had gone with some

friends, and he assumed they were going to be invited on this camping trip as well. Rick was alone, though, when he picked Randy up on August 12. When Randy asked why, Rick stated he hadn't invited the other kids. He didn't elaborate. "He asked me if I still wanted to go," Randy remembered. He said yes and got into the car.

During the ride to Lebanon, Rick explained further what he planned to do. After camping out on August 12, Randy said, "we were going to go up to this old broken down quarry and go up there and get some sandwiches and stuff and go around and look at the place up there."<sup>2</sup> When you're 14, names and locations of places you're going don't stick in your mind as much. It was the tail end of summer, school would be starting soon, and the idea of getting out of Lancaster for a camping trip was probably reason enough for Randy to agree to the trip.

The pair was headed to Cornwall Iron Furnace in Lebanon County, a charcoal-fueled ironworking site founded in 1742. It quickly became one of the nation's premiere "iron plantations," as everything required to produce iron was available on-site. Villages, blacksmith shops, and other industries were established in the area. By 1750, Pennsylvania was the top iron producer in the colonies, producing one-seventh of the iron ore in the world.<sup>3</sup> The site has been preserved much as it was in the 1800s, the heyday of the iron industry in central Pennsylvania. It's a national historical site now, and the American Society of Mechanical Engineers touts Cornwall Furnace as "the only one of America's hundreds of 19th century charcoal fueled blast furnaces to survive fully intact."<sup>4</sup>

Besides the historical significance, the site had geological significance as well. The blast furnace derived its ore locally, using both strip mining and underground mining. In 1972, the open pit from the strip mining operation was just starting to flood, but was still not full of water. Ore mining at the site hadn't ended until 1973, and even in 1975 it probably offered a geologist like Rick opportunities to collect samples, as any quarry or mine did before liability lawsuits ended easy public access to most of the open-pit quarries in Pennsylvania.<sup>5</sup>

On a good day, with average traffic, the Cornwall Iron Furnace is about a 45-minute drive from Lancaster city center. Since they had gotten a late start, and since Cornwall Furnace wasn't open late, Rick and Randy had planned to camp somewhere that night. They stopped in the Furnace Hills area near Cornwall Furnace. It was dark when they arrived and the campsite they had picked was already occupied. Randy recalled "there was this guy and this girl. They had this van pulled up and they had a fire and stuff. He went over and asked them if they were staying there. He said that they were going to stay there all night."<sup>6</sup> The couple was playing a stereo and it was too loud to sleep in the clearing. The couple indicated they planned to stay up late, and Rick came back to the car and told Randy they needed to find another campsite. They headed further up the dirt road. Rick's car got stuck. The muffler was shaking and rattling—it was hung up on some rocks. They backed out and came back down to the highway.<sup>7</sup>

"We went out on the highway and we were looking for a motel or hotel to stay overnight because there was no other place to stay because it was getting too dark." They headed north on Route 72, into Lebanon proper. "He stopped in the Treadway Inn to see if there was any vacancy."<sup>8</sup>

Founded in 1912 by a Dartmouth graduate named L.G. Treadway as the Charismatic Country Inn chain, the Treadway Inn chain had, at the peak of its popularity, 55 locations throughout the United States. The Treadway Inn in Lebanon was a staple of the Lebanon tourism industry for many years. During the 1970s, a mobile disco operated out of the hotel. Postcards from the era show a beautiful, modern place, with a swimming pool and all of the amenities families expected from a hotel then. It had 70 rooms, four private dining areas, a banquet room, and a cocktail lounge. Advertisements boasted the hotel was "Only ten miles from Hershey Park!" Now a Quality Inn, it probably still gets business from families traveling to Hershey for tours and to enjoy the theme park.

The hotel didn't have any rooms available, according to Randy. "The place was full. So we left there and we kept on going." Where they ended up is a question still unanswered. Randy remembered seeing a sign that said "MOTEL" on the side of a building off the highway. This was shortly after he saw a street sign that read "Lancaster 36 Miles, Hershey 10 Miles."<sup>9</sup> It

can't have been far from the Treadway, given those distances. The motel consisted of a caretaker's home and several separate cottages with rooms for rent.

When they got into their room, Randy examined his surroundings. "There was just one room, and it had a television and a shower and a bathroom, and it had a double bed and a single bed." One of the beds had red covers and the other had white covers. Rick locked the door. "He went over, pushed in the lock and turned it, and then it had this lock with a chain on it. He put that over so nobody would come in. I told him I was hungry, and he told me to go up to the office there and ask them where there was any pizza shops or anything."<sup>10</sup> Rick unlocked the door to let Randy go.

Randy went back and forth between the office and the room a total of four times that night—first to inquire about pizza shops, then to order the pizza, then to get marshmallows, and finally to get a soda from a drink machine. Randy was sitting in bed, eating pizza and watching television, when Rick went into the bathroom to shave with a straight razor. He placed the razor back in the bag on the dresser when he was done and then it was time for bed. "After we were done eating the pizza ... he said that he got a special price for just sleeping in one bed. So, I said, all right."<sup>11</sup>

Strange as Rick's statements seem, Randy had little reason to be suspicious of Rick's intentions or the questionable idea that a room was cheaper if you didn't use both beds. Although his friend Kevin's brothers Dave and Jim told him Rick was a little bit strange, Randy saw no other indications of unusual behavior during the car ride or subsequent activities. Randy fell asleep in bed next to Rick.

"I went to sleep for awhile and then he woke me up and he started saying stuff about some massage and stuff, and he put this powder on me and started rubbing me all around and stuff, trying to tickle me. He was rubbing his whiskers on my chest, and then he started going down, and he told me to turn around, and then he started fooling around with me. He started playing between my legs, and then he went up and played with my balls."<sup>12</sup>

After this, Randy said, Rick performed oral sex on him. Afterward, they went back to sleep. When asked why he didn't try to get away after the first assault, Randy said Rick probably would have followed him and caught him. The following morning, after his shower, Rick performed oral sex on Randy again—the same routine with the powder, tickling, and foreplay again. The straight razor remained in the bag on the dresser. Years later, recalling the events under oath at a deposition, the position of the razor changed—from inside the bag on the dresser to pressed against Randy's side throughout the assault.<sup>13</sup> After the morning attack was over, it was time to go to Cornwall Furnace.

“We went over to the Cornwall furnace and visited that. He wrote his name down. I wrote my name down. Then we went and we looked at the exhibits in the place, and we left from there.”<sup>14</sup> Randy distinctly remembered signing the guestbook, an important fact that could have helped the later case against Rick by Lancaster city police. Amazingly, it seems police never checked the guestbook to find out whether Randy and Rick signed in that day as claimed. When I called Cornwall Furnace in 2010, the woman there agreed to check for me as soon as she had time. “All of the guestbooks are kept upstairs in storage, and there's lots of coal dust and other nasty stuff up there,” she said. “We only go up once in awhile, and only when there's more than one of us here.”<sup>15</sup>

Six weeks later, she called me back. The guestbooks from that time were gone, and there was no way to verify whether the pair visited Cornwall Furnace or when. There was no way to verify whether this most basic fact of their visit could be corroborated.

After their visit to Cornwall Furnace, they stopped at the Horn and Horn restaurant and drove back to Lancaster. When Randy returned home around noon, he went over to visit his friend Kevin. Randy told Jim, Kevin's older brother, what happened. Kevin was upstairs. Their mutual friend Brian was also there. Jim called the police an hour or two later. Randy didn't tell his mother until later that day—he was embarrassed and afraid he'd get punished for not telling the truth if she didn't believe him. Weeks later, he told his friends he “should have just blackmailed Rick for \$500,” but he then denied making that statement.<sup>16</sup> Police arrived shortly after they were

called, and they listened to what Randy had to say with Jim and Kevin present.

After Randy spoke to detective Jerry Crump, Kevin was interviewed. Jim Burkey “stated to me [Crump] that his brother had been involved with another adult male and I told him that I would like to interview his brother myself, not having someone else tell me what he had said.” Detective Crump recalled, “When I interviewed the boy he was very emotional, very upset, crying. It was more or less a question session from me directed to him. He stated that Mr. Haefner had blown him or blew him. I asked him what he meant by that with regard to his age as to knowing what slang terms mean. He said that Mr. Haefner put his mouth, Mr. Haefner’s mouth, on Kevin’s penis.”<sup>17</sup>

“I asked him, I said, ‘did you climax?’ He didn’t know what a climax was until I said ‘did you ejaculate?’ He sure didn’t know. I didn’t know what else to ask him. He said, ‘all I know is Mr. Haefner had his mouth down on my penis,’ and he started crying again, and I would have to let him go.”

“It was in excess of half an hour. His older brother was there. In talking to him it was very difficult getting the story out, who he worked for, who this gentleman was who had supposedly did this to him, when. It was very tough. James, his brother, was present and Sergeant Snyder and myself.”<sup>18</sup>

Witness confusion in child molestation cases is normal and prevalent. Because children are often scared, unsure of what happened, or under duress, it is not uncommon for memories to vary or even for some degree of repression or amnesia to occur. Current law enforcement “best practice” protocols for taking statements from alleged victims of child abuse include such key points as the idea that simple, direct, and unambiguous questioning be performed and that videotaped testimony take place as soon as possible after the incident. It is important children be allowed to review their testimony prior to hearings and trials, but without the possibility of suggestion or other coaching from law enforcement or other individuals as to what they should say. In 1975, none of these ideas were in practice, and it seems as though the police conducted their interviews with Kevin and Randy in much the same way they would conduct an interview with an

adult victim of a crime or assault. Randy's testimony is much more clear and direct, taken only one to two days after his alleged assault, while Kevin's testimony is blurry and contradictory—his assault went unreported for almost six weeks.

Crump spoke with Kevin's mother that day, and Kevin gave a statement that was never written down.<sup>19</sup> Because Kevin was unable to explain where the molestation took place, Crump, Snyder, Randy and Kevin took a ride together in the same squad car to the garages. Crump had Kevin point out, from the exterior, where the alleged assault occurred.<sup>20</sup> Neither he nor Snyder nor any other officer took photographs either of the outside or of the inside of the building or obtained a warrant for the purpose of entering the garage at any time after this visit. Crump later stated, "I have no knowledge of any photographs being taken at that garage at this time. I have not taken any photographs. I have no photographs in my possession."<sup>21</sup>

The events Kevin outlined that Crump remembered were slightly different from what Kevin recalled. "He stated Haefner was behind him, with his hands around, yes. Now, I didn't ask him if he was lying down or standing up. I assumed they were standing up. He said Mr. Haefner was at the back of him reaching around."<sup>22</sup>

Once Kevin explained what happened, Crump moved forward with his case, but he never returned to Kevin or to Randy. "I talked to his mother and I didn't interview him at any time" after August 13, 1975.<sup>23</sup> While this appears to be a somewhat progressive practice in regard to the currently-held ideas that children should not be forced to relive incidents of abuse or be re-interviewed unnecessarily unless new information comes to light, it seems highly unorthodox the Lancaster police would choose to base its case on the recollections of a highly excited, visibly confused 12-year-old without any written notes or further contact with the victim.

## CHAPTER 3

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### Rick

“It would have been my manner of speaking to say that Richard Haefner is a real pain in the ass.”—Michael Minkin, defense attorney for two years during Rick’s civil rights cases

“If there was one son of a bitch we wanted to get, it was Rick Haefner.”—Former employee of the Lancaster Children and Youth Service

Richard, the youngest child of George P. and Ere J. Haefner, was born December 13, 1943. Rick attended Ross Elementary and then Reynolds Junior High and J.P. McCaskey High School, making his way through in the way so many young people do—one day at a time. He seems to have been precocious—he was excused to attend college classes during his senior year—but overall somewhat unremarkable, aside from his memberships in the National Honor Society, the Quill and Scroll, and the National Thespian Society.

He had few friends, and classmates recall someone who looked unhappy and who was different to the point of invisibility. He was fond of wearing blue or black slacks and white dress shirts, and he carried a businessman’s leather briefcase instead of the book bags and knapsacks most students favored. No one ever called him Rick—he was too formal. It was always “Richard Haefner.” His classmates avoided him, and molestation rumors about him started to circulate just over a year after graduation.

Richard, the introspective young man with the Eddie Haskell grin who was always quiet and reserved, had been interested in rocks and minerals “beginning around age thirteen.” He had a knack for finding excellent specimens of rare and valuable minerals and for identifying them quickly—

a useful skill for a budding geologist. Something about working with rocks was attractive to Rick, and he quickly built a strong reputation for himself in local mineralogy circles.

His parents encouraged his interest in geology, helping him to start and run a family business where they prepared gem and mineral samples by gluing them onto cards as sets to be sold at museums locally and nationally. Rick and his father went on trips to collect gems and minerals, break them down into smaller samples, and glue the samples onto labeled cards with themes like “Local Minerals of Lancaster County” or “Igneous Rocks.” Their biggest account was the Smithsonian Museum gift shop, for which they prepared thousands of mineral boxes each year. It was a great way to make money, although Rick’s mother Ere took care of the finances, never trusting Rick to learn how to handle the money he helped to make. George Sr. still spent his days working and assisted with the business when needed.

It made sense Rick would continue his education at Franklin & Marshall College. The campus was close enough to his home that he could walk if he desired. He could save money and his mother could keep her eye on him. These weren’t the only reasons, though: Franklin & Marshall had an excellent reputation and a long history. Its roots go back to 1787, when Benjamin Franklin founded Franklin College, and 1827, when Superior Court justice John J. Marshall incorporated a college in Mercersburg. In 1853, the colleges merged, becoming Franklin & Marshall College and keeping the Lancaster campus as its operational center.



**Rick and his parents, Ere and George, at the now-flooded Blue Ball limestone quarry, circa 1957 (private collection).**

Franklin & Marshall had the dual benefits of being a local college and having a museum on its campus. Rick started volunteering at the museum during his senior year in high school in between attending the early college classes he was taking. The North Museum was a veritable “Lancaster Smithsonian,” overseen by the college, and contained thousands of artifacts of all kinds that related to Lancaster’s history. The mineral and fossil exhibits were a special favorite of young Haefner.

Rick’s personality didn’t flower in college, as some students’ do. He was still regarded by most of the people who remembered him as quiet, well-dressed, soft-spoken, and self-absorbed. He kept to himself, and while knowledgeable, was not always easy to get along with or to get close to. He preferred to work by himself. One geology classmate, R.G. Hirnisey, who

performed a quadrant study with Rick while they were undergraduates at Franklin & Marshall, remembered him as “quiet and well-mannered.”

During the years Rick attended Franklin & Marshall, the college was not a coeducational facility. Outside of the wives of current students and a few select others, women were not admitted to Franklin and Marshall as students in their own right until 1969. Very few opportunities existed for Rick to meet members of the opposite sex, and he doesn't seem to have dated. This may have suited him. Rick seemed more interested in some of the young boys who came around the neighborhood, and if he wasn't volunteering with the local Boy Scout troop, he was taking the boys to the North Museum and showing off his vast knowledge of gems and minerals or taking them on field trips to historic geological sites in Lancaster like the Cedar Hill Quarry or the Pequea Silver Mines.

The work at the North Museum was really where Rick excelled, however. Former professors and curators recalled Rick was the man who you would want to see walking past the office door if you were having trouble identifying a rock or mineral specimen. All he had to do was pop his head inside, take a look at what you were stumped by, and he would rattle off, from memory, the scientific name and classification of the rock or mineral. It didn't matter what it was—if it came from the ground, Rick knew all about it.

Rick and a friend, Jerry Lintner, had the honor of making a discovery in Lancaster in 1965. The two found a mineral they called Haefnerite, but because Rick had not dedicated much time to officially classifying and registering it, he was trumped as the person who discovered it by a team of scientists halfway around the world in Japan. To history, Haefnerite ended up nakauriite—and Rick missed his chance to get his name in the mineral history books.

It was his own fault for not registering the mineral sooner—he couldn't blame anyone but himself. This became a pattern throughout his life. He was knowledgeable, skilled, and book-smart, but he was often unmotivated and misguided. He would spend his time (and money) in pursuits that would not benefit him or even proved detrimental, and he seemed almost incapable of redirecting himself. Today, he might be diagnosed as autistic or

as having a touch of Asperger's disease—high-functioning, but somewhere on the spectrum, nonetheless. In the mid-1960s he was simply seen as a little strange. “Square” was the term back then.

In addition to his activities at the museum, Rick produced a number of pamphlets on local geological history, such as one titled “Historic Mines of Lancaster County” which was checked for accuracy by Dr. John Price of the museum.<sup>1</sup> Rick was on his way to becoming a published, lettered geologist, but his failure to secure his place in the geological lexicon with Haefnerite was merely the beginning of problematic behaviors that eventually drove a wedge between him and the North Museum.

One of the first rumblings of trouble was when a number of specimens disappeared from the North Museum. Rick worked obsessively and was there almost every day, yet valuable and rare specimens continued to disappear. When asked, Rick had no answer for the shrinkage of the museum's collection. He was unable to account for the fact that the collection was literally being pillaged under his care.<sup>2</sup> There were other problems too—complaints had begun to reach the higher-ups at the museum. The brown-haired, knowledgeable young caretaker at the museum had attempted to touch or fondle patrons' sons when they visited the exhibits. Rick always seemed to try to get the boys alone, and several of them told their parents they felt uncomfortable in his presence. Parents were upset and wanted something done. A few letters to the men in charge of the North Museum were enough to get Rick disciplined officially.



**The entrance to the North Museum of Nature and Science, Lancaster, Pennsylvania. The tree planted in honor of Dr. John Price is located just outside the photograph on the right (author’s collection).**

One of these men, W. Fred Kinsey, recalled Rick was asked to leave the North Museum because of the reports. Because of his history with the museum and to help him avoid problems with future college applications, employment or volunteer work, the reason was officially recorded as a “difference of opinion.” Seemingly surprised he was being asked to step down, Rick seemed oblivious to the fact he was getting off easy—local parents wanted him in trouble, and he was being shown the exit politely rather than being shoved out publicly. Thankfully for the museum, Rick was often busy with his studies at Penn State, and he didn’t have time to hang around as much as when he attended F&M.

Though Rick might have seen Kinsey as a powerful enemy at the North Museum, Rick also had a powerful ally there as well. Dr. John Price, a

retired volunteer firefighter and fossil collector who was so helpful and devoted to the North Museum and its collections that he had been awarded a number of honorary titles by F&M, among them a doctorate, was a particularly good friend of Rick's. Dr. Price had grown up an orphan and had become a local expert on rocks and minerals. He volunteered with the museum for more than 50 years and even managed to get a few fossils named after him: *Synphora pricei* and *Kootenia pricei* (trilobite species) and *Helcionella pricei* (a type of snail).<sup>3</sup> A capable judge of talent, if not character, he saw something in the young Haefner and decided to take him under his wing.

For years following his exit from the North Museum, Rick would come back to visit with Doc Price to catch up. After all, he had been one of "Doc's Explorers" (also known as "Price's Boys"), a group of science-minded young men who chose to spend their free time at the North Museum rather than at the various sporting events and soda fountains around town. To this day, a bronze plaque placed underneath a tree outside of the North Museum commemorates the love these boys felt for John Price.

At some point prior to his death from cancer in 1977, Price recalled George Haefner, Rick's father, confided in him a troubling secret—he had molested his son when he was a child. Price recalled George explaining he had, on several occasions, sprinkled Bismoline, a type of medicated talcum powder, on Rick's body and "blown it off" while tickling and touching him in a pseudo-sexual encounter. George was greatly disturbed by the fact he had done this, and his wife Ere may have known about it and done nothing. As a man who had grown up an orphan, Price knew firsthand about older men who tried to take advantage of children.<sup>4</sup> This confession by Rick's father may have led to Price's staunch defense of Rick after allegations of child molestation surfaced in 1975.

Rick also attracted the attention of law enforcement, at least peripherally, through his own sexual activities during his time at F&M. In 1962, when Rick was 18, someone from the swimming program at the YMCA reported him for attempting to solicit sex from an elementary student from the Wharton School—presumably while he supervised the swimmers. The note, found in Lancaster city police files, is dated November 1, 1962, and states

only that then-district attorney Alspach notified a “Captain Cliff” this had happened. There is no possibility of mistaken identity, as Haefner’s address is given as well. Nothing seems to have come of it, besides the notation in the file.<sup>5</sup>

Rick loved teaching and mentoring, and he had been a volunteer with the Lancaster Recreation Commission, Boy Scouts, and other local organizations like the North Museum. On his application forms for the Lancaster Recreation Commission, his areas of interest branched out from organizing and teaching sports like dodge ball and baseball in June of 1961 to include “kindergarten storytelling, camp crafts, woodlore crafts, [and] Indian crafts” by January of 1965.<sup>6</sup> He blossomed as an instructor, but he never agreed to teaching any singing, music, or folk dancing classes. Perhaps these would have been beneath the stern young man.

He was bold, listing people he worked with at the YMCA, Boy Scouts, and North Museum as references in 1965—several of these, had anyone cared to check, would have been disastrous for him. Interestingly, though he listed John Price, Howard Feather (a geology professor) and Edward Kraft (a high school teacher) as personal references on his 1961 application, he removed these from his 1965 application, choosing to list “Boy Scouts” and “North Museum” rather than specific individuals. Still, he was playing with fire based on his past behavior.<sup>7</sup>

Rick’s 1965 “Recreation Leader’s Rating Scale,” administered by S.J. Thompson, Sr.—the “Senior Leader” at the Lancaster Recreation Commission—was exemplary. He rated a “2” overall on a scale of 1–5 where a one “means an excellent leader, one who is outstanding from the standpoint of all that is involved in a good recreation leader” and a five meant “a weak leader, one whom you would not recommend for employment in recreation.”<sup>8</sup> “Adaptable and resourceful,” the 21-year-old also showed a “superior ability to plan and organize” as well as “a thorough and complete awareness of group needs.” Already, it seemed, Rick was in many ways on track to teach or lead youth as he had long hoped to.<sup>9</sup>

Although his teaching certificate (provided by the Pennsylvania Department of Education as a requirement for his day camp employment) was good

until July of 1966, Rick quit the Lancaster Recreation Commission for an obvious reason: He was college-bound again, this time to the master's program at Penn State University, with plans to eventually obtain his Ph.D.<sup>10</sup> In August, he made a mistake that nearly cost him everything—but, once again, he squirmed away unscathed.

Before leaving for Penn State in the fall of 1965, Haefner made arrangements with the mother of two boys, ages 10 and 11 (whom he apparently met through the recreation commission), to take them, unsupervised, to Ocean City for a vacation—in his own words, “trying to do something good by taking the boys on vacation before they go away to school.”<sup>11</sup> He plied them with spending money (\$1.50 per day each, plus meal expenses, compared to their \$0.20 per day allowance at home) and showed them a good time from August 23 through the 27th.<sup>12</sup>

Unfortunately, Haefner's idea of a “good time” also allegedly involved masturbating both boys “on more than one occasion during this period of time.” Shortly after they returned, the boys told their mother.<sup>13</sup> She contacted Philip Bomberger from the Lancaster Recreation Commission, and two days later he brought Haefner into his office for an interview. Haefner appeared “nervous and shaken,” claiming he had not slept in two days.<sup>14</sup> He genuinely seemed to have no idea what he had done wrong, and he argued the boys had not complained—so how was he to know?

Bomberger told Haefner the purpose of the meeting was not to judge him, and Haefner needn't admit to anything or argue anything—the “sole purpose” of the meeting was to “help him.”<sup>15</sup> No concern was wasted on the boys who had been molested. Haefner immediately jumped to extremes, saying his only choices were “to run away or to commit suicide” because the effect on his parents and his future were too severe to face.<sup>16</sup>

Worried about Haefner, Bomberger tried to push the conversation in another direction. Instead of running away or committing suicide, Bomberger suggested a better solution was to “seek professional help”; if Haefner did so, “it would not be necessary to contact the authorities.”<sup>17</sup> Whomever he consulted had to furnish some kind of report, in writing, to the LRC or it

would have to make potential employers and possibly even the police aware of what happened.

Rick asked if he could talk to Father John Paukovits, the priest at Sacred Heart Church. Haefner was already seeing him, he explained. Bomberger said he had to be sure Haefner relayed the complete story to the priest and Haefner should still seek professional help. Satisfied, Bomberger called Dr. Charles Kurtz, the boys' family physician. Kurtz felt the interview was "very well-handled."<sup>18</sup> He agreed to call Father Paukovits, and when he did, he uncovered even more interesting information.<sup>19</sup> Haefner was apparently being counseled by Paukovits for molesting some boys during his time as a Boy Scout leader with Sacred Heart. A letter was sent to Boy Scout headquarters, stating that Haefner would no longer be involved with scouting, but Paukovits also wanted some reassurance—he promised to contact the church's attorney to see whether Haefner could legally be forced to get help.<sup>20</sup>

Kurtz thought perhaps Richard should still be reported to police, "to protect him from himself," presumably since he talked about suicide. He called Dr. Kurey, a psychiatrist who also attended Sacred Heart. Kurey said they were under "no legal obligation" to report him and urged them to "make every effort to protect this boy's [Rick] reputation and future." In Kurey's opinion, Rick was "sick and needed help immediately."<sup>21</sup>

According to Bomberger's interview notes, "it was explained to Richard that these boys were probably afraid to say anything that may ruin the good times they were having during the day." It was also explained to him that "boys this age [are] often selfish and could do things that they didn't think were right to continue their vacation." Bomberger concluded Rick was "emotionally immature ... and hypertensive" and he was "telling the truth when he said he really didn't know what he had done wrong."<sup>22</sup>

Dr. Kurey was as good as his word, seeing Rick on September 13 and sending written confirmation to Albert Reese of the Lancaster Recreation Commission on the 15th. He mentioned only that Rick "sought help for his difficulties" and "will be advised to continue psycho-therapy while

attending Penn State University.”<sup>23</sup> He provided the letter required for Rick to avoid the authorities.

Haefner had the opportunity to receive the help he needed for his deviant behavior, but he never would—a handwritten note at the bottom of Bomberger’s interview notes, initialed by an unknown individual and dated January 24, 1966, says: “follow-up phone call to Drs. Kurtz and Kurey—results—neither Dr. followed-up on Dr. Kurey’s advice that Richard seek psycho-therapy at Penn State.”<sup>24</sup> The question remains, though—was a copy of the letter actually forwarded to authorities at the time, as District Attorney Kenneff suggested later when he talked about the “incidents” he was aware of prior to the 1976 trial? If so, why was no action taken then, when it was clear as early as four months after he was given a second chance Rick had proven he had no intention of keeping the promise to the LRC, which was to seek help? The episode repeated itself nine years later, and once again on a warm summer weekday in Lancaster.

\* \* \*

In the fall of 1965, Rick headed for Penn State University. Overall he was an above-average student with a 3.29 career GPA in a program that normally chewed up and spit out students who couldn’t keep pace.<sup>25</sup> Rick seemed to be able to hold his own, despite producing fieldwork results that were described variously by his professors as “sloppy” and “mediocre.” He wasn’t at the top of his class, but he had knowledge and skills, which resulted in him receiving a key and administrative privileges to the Deike Museum of Mineral Sciences, a combination museum and mineralogy library located in the Deike Building of the Penn State campus open to students and the public. A former acquaintance from the Lancaster area reported hearing Rick occasionally slept in the library.<sup>26</sup>

Many of Rick’s classmates from his Penn State years had as little to say about him as his F&M classmates. Again, out of dozens who were asked to recall what they could about Rick Haefner, only a few had any memories whatsoever. An attractive female classmate remembered Rick never seemed to be the least bit interested in her, and unlike most of the other young men

in the geology department, never attempted to hit on her or otherwise make a move. “He was, in that respect, a perfect gentleman,” she recalled.<sup>27</sup>

Other classmates remember a proper, presentable young man with an obviously bright future and a powerful family support network. One said, “I remember one of the times I stopped by his grad student ‘office’ on the third or fourth floor of Deike Building. Prominently displayed was an Estwing geology hammer and a chisel used for splitting rock samples. They had been specially chrome plated and given to him by his father, I believe as a graduation gift when he finished his undergraduate studies at F&M. You just sensed the pride his father had in what he had accomplished so far. I never got to meet his parents, and don’t know if he had any brothers or sisters. I do know that I never heard him say a bad word regarding either of his folks.”<sup>28</sup> There was little reason to think Haefner was anything other than a fine young man on the path to success in his field.

There were strange undercurrents, however. Specimens began disappearing from the Deike Building, just as they had from the North Museum. Professors who knew him, both from F&M and Penn State, remembered an average student—nothing outstanding about him, just average. Professors weren’t the only ones who noticed his lackadaisical attention to detail. One classmate, who worked with Rick assisting with fieldwork for his thesis, remembered him being “sloppy” and “incomplete.” Sharp when he wanted to be, but sloppy and even lazy on many occasions, Haefner somehow managed to continue to thrive in the fast-paced, highly competitive Penn State geosciences department.

Although he had begun to form a reputation as an aloof and distant classmate, Haefner had an uncanny ability to endear himself to some of his professors. One of these, paleontology professor Roger Cuffey, was especially fond of Rick. Cuffey is a man with a booming, radio announcer voice who came to Penn State in 1967 after serving as a captain in the Army in Vietnam. Rick was his teaching assistant from 1967 to 1970. Cuffey recalled Rick was “an outgoing, excellent student; his work was well done, and he was friendly to everyone he met.”<sup>29</sup>

Cuffey remembered Rick standing outside of the lecture hall before classes, greeting other young men and women as they walked in. “He was the opposite of a homosexual, from what I could see. I knew men in Vietnam who were closeted gays, and Rick didn’t come across like them at all.” He was, to Cuffey’s mind, a competent and outgoing young man with a bright future.<sup>30</sup>

But even Cuffey had seen a strange side of Rick—early signs of trouble in the young man’s otherwise composed exterior. Rick came to him in 1967 with a problem. Cuffey was not surprised—as a captain in Vietnam, he often counseled young men under his command. His personality was such that people saw him as a leader, someone they could confide in.

Rick asked to speak with him, and in his characteristic confessional fashion, began to explain what was on his mind. According to Cuffey, Rick stated he was having problems in Lancaster. “Powerful men” from Lancaster and Philadelphia were “conspiring against him,” charging him with child molestation and forcing him out at the North Museum. Rick told Cuffey he had “contacted a young Philadelphia District Attorney, Arlen Specter,” who had looked into the allegations, chose to believe Rick, and “made the charges go away.” Cuffey chose to believe his young teaching assistant, and does to this day. He remains impressed with Specter for “going to bat for this young man.”<sup>31</sup> Whether that actually happened is still unknown, but is highly doubtful.

Despite his seemingly eligible bachelor status, Rick’s dating life was as nonexistent at Penn State as it had been at F&M, and Penn State was a coeducational facility that offered a wide range of women who would have been pleased to meet such a suitor. The memories of Rick held by his classmates and professors are similar to those held by his colleagues at the North Museum: he brought young boys from Lancaster for tours of the campus, taking them to Pattee Library and into the stacks as well as to the Deike Library of Earth and Mineral Sciences. The boys were Boy Scouts or youth group members, he told his friends. Some of these boys were his employees at the rock shop, or his assistants with his graduate studies. Whatever their relationship with Rick, he had an answer for what they were doing there.

Despite his knowledge of geology, which had only deepened since his time at the North Museum, Haefner struggled academically—he struggled with adhering to deadlines and regulations. In fact, Haefner barely received his Ph.D. at Penn State in 1972. His usual procrastination and disorganization worked against him yet again. Dissertation documents were due at least a week in advance of the defense, and Rick handed his in on defense day. The men who signed off on it had to discuss whether to accept it. They ultimately decided to accept it and Rick was able to defend his dissertation and graduate from Penn State.

After graduation, Rick took the route of many young Ph.D.s, applying for and accepting a number of different teaching jobs, traveling to various parts of the country to instruct. He was already starting to be seen as a local expert. An article in the December 10, 1972, *Reading Eagle* quoted “research geologist at Pennsylvania State University” Dr. Richard Haefner about a minor earthquake that had taken place there the previous week. The quake, which measured a 3 on the Richter scale, was cause for concern to many local residents wondering if future earthquakes would be worse. He said such tremors were “random and unpredictable.”



**Dr. Richard Charles Haefner, lecturing. The date of the photograph is unknown but believed to be somewhere between 1969 and 1972 (private collection).**

In 1972, Rick took a job teaching geology as a visiting professor at the State University of New York–New Paltz campus. While there, he continued his work with young boys. It was always framed innocently as volunteering, mentoring, or charity. A former colleague from SUNY–New Paltz remembered his shock one night when he visited a restaurant in town and found Rick eating dinner with a boy who must have been around ten years old—just the two of them, almost like a date. Rick explained it away: “He is a Boy Scout and I’m working with his troop.” The only other thing about Rick his supervisors could remember was he hated smoking. Rick and his supervisor were once on a plane and Rick went into a tirade when a man in the seat next to him lit a cigarette.<sup>32</sup> Perhaps it went back to his mother and her chain-smoking when he was a child.

Rick was not asked to renew his contract with SUNY–New Paltz. His former supervisor vaguely remembered Rick had gone against university policy in the summer of 1972 by choosing to spend the summer boating on the Finger Lakes in New York rather than conducting research in his field, which was the preferred activity for assistant professors who wished to receive tenure track positions. It didn’t matter much to Rick—he still had the rock shop, and his father continued to work there in his absence, earning him money and keeping the contracts they had with the Smithsonian as well as the various local museums and gift shops alive.

In the spring of 1973, Rick was hired as a long-term substitute at Warwick High School in the Lititz area of Lancaster County. Somehow, despite his activities in the 1960s, he was able to maintain a teaching certificate. Some of his students remember they thought it strange that a Ph.D. such as Haefner would take a job as an earth and mineral sciences teacher in a public high school. Gossip among the classmates was “Haefner had a problem with boys.”<sup>33</sup> Nevertheless, he gave talks about minerals and fossils and was even trusted to drive students who won a science fair

competition to Erie, Pennsylvania, for an overnight stay. One of the female students said, “I remember being alone with him and never having any problems, although I thought he was odd.” She felt he might have been offered the long-term substitute position as “a favor to someone.”<sup>34</sup>



**George Haefner, Rick’s father, relaxing on a bench outside the undertaker’s shop with some well-dressed “ladies” at a ghost town on a family vacation in the late 1950s (private collection).**

According to his own curriculum vitae, Rick worked at the University of Charleston in South Carolina from the fall of 1973 to 1974. After one ostensibly unremarkable year there, Rick returned home for the summer to help out with the family rock shop. His former department chair at the University of Charleston, Michael Katuna, recalled,

All things considered, he did a fine job of teaching. Students and faculty members liked him, and there were no complaints by either. Richard, more or less, kept to himself and didn't mingle much with fellow colleagues. He was friendly and sociable, and usually had a sly chuckle about him. He never did anything wrong or out of the ordinary to my knowledge.

I remember that he always had a basket of pretzels on his desk that he was willing to share with others. Haefner was employed at the college for one year, but we were willing to rehire him. At that time, all faculty members were on renewable one-year contracts, which they had to acknowledge and return within a certain date.

He received a contractual offer, but he did not reply. Both myself and other administrative officials tried to contact him but to no avail.<sup>35</sup>

Once again, Rick showed his talent for procrastination. It didn't matter. In 1975, he received a job offer that would change his life.

Marion Stuart, heiress to the Carnation Milk fortune and a devoted gem and mineral collector, noticed Rick first through his application for the position of curator at the Los Angeles Museum of Natural History and then his attendance at the Tucson Gem Show, held the first two weeks of February each year. The show is the largest gem and mineral show in the country, and it is known among gem and mineral aficionados as a "must-see" event.

With her fortune Stuart created an endowed position at the University of Southern California in Los Angeles. It was given to a chosen individual along with a curatorship at the Los Angeles Museum of Natural History. She chose Rick as the most qualified candidate and his future came into focus. He of course accepted. At last, the serious young Ph.D. had achieved a position worthy of his intellect.

Elated, Rick returned home from the University of Charleston to wait out the summer of 1975 working at his family's rock shop and preparing for the 1976 Tucson Gem and Mineral Show, where he would give a speech and his acceptance of the position at USC and the Los Angeles Museum of Natural History would formally be announced. It was summertime, the shop

was busy, and he would need to hire some new local boys to help get the annual Smithsonian order done in time.

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## CHAPTER 4

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### Crump

“There’s a long sequence of information about which this man knows quite a bit.”—Richard Haefner, referring to Detective Jerry Crump

“He’s a complicated man.... That’s all I’m going to say about Jerry.”—  
Former acquaintance of Jerry Crump

“To the best of my knowledge, he was a good detective.”—Detective  
Joseph Geesey

Jerry Crump moved to Lancaster in the early 1960s from the Charlotte, North Carolina, area. He still has a hint of an easygoing Southern accent and the tendency to call people he’s conversing with “Sir.” Whatever his reasons for leaving Charlotte, Lancaster provided opportunities that Charlotte did not, and Crump was soon working at the Radio Company of America factory, assembling color television sets. By 1970, he decided to apply to the Lancaster Police Department. He had no prior police training, but that wasn’t unusual in the 1970s. Many cities and smaller towns sourced their police officers locally, trained them in-house, and promoted from within, once the new recruit proved himself sufficiently capable.<sup>1</sup>

Crump remembered his training very well. “For the first four years of my police work, I started to believe the police department wanted me to be a full time student. I attended schools at Penn State University on supervision and police tactics. I attended hostage negotiation training at the Baltimore Police Department. I attended South Central Investigative Research School from the FBI. I had 480 hours of bookwork and classroom training prior to ever putting the uniform on.”<sup>2</sup>

In addition to these formal classes taught by outside professionals, there were also classes taught by veterans with at least five years of experience. Crump trained under a Sergeant Shertzler in a church building on Duke and Orange Street across from the Lancaster County Courthouse. Half of this training involved the vehicle code, and the other half involved the criminal code. A few classes were even held at Franklin and Marshall College. The new recruits endured a 40-hour-per-week course for 12 weeks before they were able to call themselves officers. In the end, Jerry said, “I [had] attended so many schools that I don’t bother framing and putting [the diplomas] up anymore.”<sup>3</sup>

After successfully completing the training course, officers looked forward to six months of riding with a senior officer. For his six months, Crump was in the patrol division. “I was assigned different sections of the city to patrol. If there was a ditch to be guarded to prevent an accident that UGI dug, I was the guy they sent to do it. If there was an accident, I stood in the rain or snow and waited for the tow trucks to get there.” Once those six months were up, the new recruit was still not a full-fledged officer. All new recruits were bound to a two-year probationary period.<sup>4</sup>

During training, very little responsibility was given to the new recruits, and most of them, Jerry included, were in the street division. “[The street division] patrolled the streets of Lancaster. They investigated reported crimes and tried to prevent crime,” he remembered. If crimes were reported or if investigative help was needed, the street division officers called in someone from the detective division.<sup>5</sup>

“It’s a fallacy of the public to believe that being a detective is a higher rank of officer,” he is quick to tell you. Crump is also quick to point out that, just because he was a detective when Haefner was arrested, it didn’t mean he outranked Sergeant Snyder, who received the initial report of the crime from Kevin’s brother. Detectives were merely officers who were selected for their investigative skills and moved to a division where, instead of working on street cases, they investigated specific cases that were given to them. Investigative work took up a great deal of time, and the street division officers didn’t have that luxury.<sup>6</sup>

“They would take recommendations from captains if an opening existed [in the detective division].” Those officers lucky enough to be selected were subject to an additional six-month probationary period. It was a common practice for captains in the detective division to bring men in, try them out, and then send them back to the street division if they “washed out” or proved to be less than capable detectives.<sup>7</sup>

Crump proved competent. During his two-year probationary period from 1970 to 1972, he was disciplined twice. In the first incident, he allowed a burglary suspect to escape from custody. The suspect was recaptured within 24 hours, and Crump was given a one-day suspension. The other incident, which happened in 1970 or 1971, was a bit more serious. Crump and another officer, a sergeant named Bernie Grim, were both responding in squad cars to an assault call—a man with a knife. Grim ran a red light, Crump pulled through a green, and they crashed into each other. Grim spent 11 days on suspension and received a red light violation. Crump spent three days on suspension and remembered being “the only person in the department to receive three days for going through a green light!”<sup>8</sup>

Crump became a detective shortly after his original two-year probationary period was over. The patrol captain was so impressed he took Crump with him when he transferred to the head of the detective division. Including his six-month probationary period as a detective, Crump spent the next two or three years as detective, the position he held when he was ordered to respond to a call involving the alleged molestation of some city boys working for a Ph.D. named Richard Haefner at his rock shop in downtown Lancaster. According to Crump, it was the first time he heard the name Richard Haefner. Unfortunately, it wouldn't be the last.<sup>9</sup>

## CHAPTER 5

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### Arrested!

“It was a casual interview with myself and Mr. Haefner and Sergeant Snyder present. We received during the course of the interview several phone calls about Mr. Haefner from a relative of the Haefner family who stated he was an attorney and he wished to talk to Mr. Haefner at that time. I conveyed this information to Mr. Haefner and he stated he did not want to talk to him.”—Detective Jerry Crump, describing his conversation with Rick at the police station

On August 15, 1975, Detective Jerry Crump and Sergeant Edward Snyder of the Lancaster police decided to act on the accusations they had heard from Kevin and Randy two days earlier. They headed over to 217 Nevin Street to confront Richard Haefner.

When they got to Nevin Street, Rick wasn't there. Crump and Snyder “spoke to his mother, and a minute or two later he came walking in the door.”<sup>1</sup>

Rick's mother Ere remembered the events much the same way: “Well, there came Crump to my door, and I believe it was Officer Snyder, I think it was; and I brought them in. My son was upstairs in the bath; and I called up to him, and I said they were downstairs and they wanted to talk to him; and he came down. I think he was shaving, and he came down; and they suggested they don't stay there, that they go over to the garage, which is right across the way, and that's where they went, over to the garage.”<sup>2</sup>

Before Crump, Snyder and Haefner crossed the alley to the garage, Ere remembered her son saying “he thought the kids got in some trouble or something at work there, and he thought they were in trouble or something; and so they went over to the garage. They [the police] didn't say they were

after him or anything, because they didn't read him his rights or anything. They didn't say anything. They said, 'We want to talk to you,' and that's it." Rick said "he would be glad to talk to them."<sup>3</sup>

She watched them approach the garage. George wasn't there that day. "My husband works part-time, and he's out getting his work done in the morning."<sup>4</sup> After they spoke for a time, Ere saw Crump and Snyder put Rick in the car and take him to the police station. "They put him in the car. They don't come back, they just go to the car."<sup>5</sup>

According to Crump, once at the police station, things moved rapidly and the interviews with Rick went smoothly. Initially, Rick denied everything. He admitted knowing the kids but that was it. "Then in talking to him he did recall the incident in the garage and also the incident at the motel. Rick stated that he did have occasion to massage Randy at that motel. He did attempt to tickle him or did tickle him." This alleged oral statement took place in the afternoon or early evening of August 15. "He denied performing sodomy on him. He stated that his mouth may have come in contact with Randy's penis."

To sort out the truth, Crump suggested Rick take a polygraph test. Crump never took any written statements from Rick, never gave him a written statement to sign, and did not write down what he said. Crump also never made up a statement form, which was common practice in the Lancaster police. Crump and Snyder questioned Rick again an hour or so later. "A report was made shortly after the second interview was terminated. Also after the polygraph was ended, I again interviewed Mr. Haefner and he again denied performing sodomy on these youths, although he did admit to rubbing them down and the incidents I related. He is not saying it didn't happen," Crump stated.<sup>6</sup> Rick remembered he was not questioned again by Crump after the polygraph took place.

Crump later explained the reasons why he chose not to take any notes or reduce anything to writing. He said "the story had been related to me and other police officers on two or three occasions. These statements were made in front of numerous police officers on numerous occasions on that afternoon and evening."<sup>7</sup> According to Detective Crump, Captain Walter

Goeke, Detective Jan Walters, and Sergeant Snyder were all present at one or more of the occasions when Rick allegedly confessed.<sup>8</sup>

At this point, several hours had passed without word from her son, and Ere was beginning to get nervous. She decided to call the only family member she could think of for help—her nephew, attorney Henry Haefner. George, Rick’s father, couldn’t go. “He had a heart condition, and swollen feet, and so forth,” Ere remembered.<sup>9</sup> “I called my nephew and had him take me down to the police station. I wondered why [Rick] didn’t come home. I asked Henry to come over. I wanted to know what—why they didn’t release Richard, that Richard wasn’t home; and I said I want to go down to the police station and have Henry take me down. That’s when I asked to see Mr. Crump. That’s when I talked to Mr. Crump. I wanted to know why my son wasn’t home.”<sup>10</sup>

At the police station, Ere asked the desk attendant if she could speak with Detective Crump. “When he came in he said ‘I guess I’m the last person alive you want to see’; and I said, ‘No. You’re the first person I want to see.’”<sup>11</sup> Crump explained why Rick was being held, but he wouldn’t allow Ere to see him. “First we had to go in and pay the bail and sign for that.” After doing so, “I didn’t see my son Richard until he was out of jail. I think he and Henry went out and had dinner or something. He hadn’t had anything to eat.”<sup>12</sup> Several hours later, late that night, Henry brought Rick home, and Ere remembered seeing bruises and scratches on Rick that he told her happened while he was in custody.<sup>13</sup>

Probably the most complete version of Rick’s side of events that survives is his 1980 interview with the FBI, conducted as part of his allegations of civil rights violations in Lancaster County. Rick visited the office of Senator Richard Schweiker, which directed him to Senator Barry Goldwater’s office. Goldwater’s staffers told him to visit the Washington field office of the FBI, where he lodged the initial complaint.<sup>14</sup> He was interviewed later that year over the telephone by FBI agents. Many of the names in the FBI file were redacted. Where possible, I have attempted to fill in those names with actual names; when I could not be sure of a name, I have substituted a logical descriptor (“the officer,” for example).

When Haefner was arrested in August, 1975, he remembered that two detectives from the Lancaster County Police Department came to his home in Lancaster County, Pennsylvania. Haefner stated that the two detectives told him they wanted to take him downtown for questioning, at no time advising him of his rights or any other explanation as to why he was going to be questioned. He indicated that after four or five hours of questioning, he was charged with sexual deviation involving a twelve-year old boy.

He goes on to state that he believed that an unnamed individual who was one of Kevin's older brothers was an informant for the Lancaster County Police, and that he was angry with Haefner and his mother.

At about noon on August 15th, 1975, two detectives of the Lancaster County Police Department in Lancaster, PA, came to Haefner's residence. One detective was named Jerry Crump and the other was named FNU Snyder. Haefner said (redacted) told him the purpose of the visit was to question Haefner about two boys who used to work for Haefner in his rock business. The detectives were not in uniform and drove a civilian automobile. The detectives told Haefner they wanted to talk with him apart from his mother. Haefner related to the detectives that he had kids coming after lunch and would not be able to talk long to them. As they spoke at the Haefner residence, Haefner said he believed he was not free to get up and walk away; yet, he did not feel he was under arrest.

After a time, (redacted) said they would have to go downtown, to which Haefner replied "No." They said "If you won't go, we can make you go." As they traveled downtown Haefner said he believed he was not free to go, still he did not think he was under arrest. The detectives told Haefner he would probably be back home no later than two o'clock p.m. The downtown location to which he was taken was the Police Station on East Chestnut Street in Lancaster, PA. Although the line of questioning was vague at first, Haefner said after awhile he realized he was being interrogated about (Kevin and Randy). At no time was he told of any charges against him, and still at this point he

did not believe he was under arrest, although he knew he was not free to leave.

For about one and one half hours he was interrogated in the polygraph room by the detectives. The detectives urged him to “talk about it.” He asked “what was ‘it’?” He said he agreed to talk about it even though he didn’t know what “it” was. Haefner asked if he was permitted to take notes and was informed that he was not. Haefner said that he had missed lunch and was still at the police station. Gradually, Haefner became aware that he was being accused of something or other concerning the two boys. Even so, he was not told the reasons why questions were being asked him. Haefner said, based upon the line of questioning, he realized “it” had something to do with a sex crime.

The detectives asked Haefner if he had ever been alone with the boys. He was asked if he had ever touched them. Then he was asked how far below the waist he had touched them. Haefner said he denied all of the above. The detectives asked Haefner questions concerning a rug that might be in his garage. He said there was no rug in his garage. At this point Haefner said he still did not believe he was under arrest.

Haefner stated, as he continued to talk to the detectives, the hour approached 2 p.m. He still did not believe he was under arrest even when he was told he could not go home. One of the detectives asked Haefner to take a lie detector test. They entered into an agreement that if he passed the lie detector test, the entire matter would be forgotten. It was at this point that Haefner was taken into another room where he was fingerprinted and photographed. Haefner asked another officer if he was under arrest. The officer made no response; however, Haefner’s shoes, belt, watch and wallet were taken from him and his body was patted down as in a search. Haefner asked if he was being charged with something. There was no answer. Haefner was placed in a cell at the police station.

Bail was set at \$12,000. Haefner made bail and was released sometime after 11 p.m.

Haefner said there were actually three interrogations. The first one is described above. The second interrogation is as follows and a third interrogation was the interview by the lie detector operator.

Concerning the second interrogation, Haefner said this occurred at approximately 3 p.m. He was taken into an exhibits room where, on a table, appeared knives, brass knuckles, and other weapons. As one officer folded his arms and faced a corner, the other shook his fist at Haefner and said that it had been necessary for him to threaten the parents of the boys in question with Haefner's arrest or otherwise they would have killed Haefner. He said to Haefner that he knew that Haefner was guilty. To this Haefner inquired what he was being charged with. The officer said "I'm going to charge you with something, but I don't know what that something will be." The officer said that if the child had been his he would beat the living "shit" out of Haefner. The officer also told Haefner that he could get hurt in the room where he stood. Haefner said he took this as a bodily threat. After this line of questioning, the other officer turned around to interrogate Haefner. He said the only way to straighten it out was for Haefner to take a lie detector test, because he believed they would beat him up if he declined. Then he was taken back to his cell.

Later, approximately 4 p.m. he was taken to the detective section. An agreement was made if Haefner passed the test that no charges would be brought against him, thus, he consented to take the polygraph test. The operator told him he had passed the test.<sup>15</sup>

After the polygraph came the arraignment. Crump recalled the specific process. "Once the charges are typed, I would notify the Desk Sergeant that I had need of the services of a Magistrate on duty."<sup>16</sup> The desk sergeant contacted the district magistrate and the magistrate either came to the police department or Crump went to his house. District Justice Lees arrived to handle the matter.

When he was brought before District Justice Lees to have the charges read and bail set, Rick allegedly commented on the arrangement about the lie detector test.<sup>17</sup> The prosecution insisted he never mentioned this to anyone

at the arraignment. District Attorney Kenneff stated years later: “Detective Crump told me he was at Justice Lees at all times and that no complaint was made to Justice Lees regarding his treatment at the police station.”<sup>18</sup> Henry Haefner, who was also present, disagrees:

Shortly after he [Rick] came into the room, he was in a slightly excited or a strained condition. He had been down there for some time, and he showed the effects of it, physically and emotionally, and he complained, he directed his complaints to Justice Lees of the fact that he had been, or there had been administered to him, a lie detector test. And he indicated that it was his understanding that if he had passed the test that the charges, or perhaps at least the major charge, would not be brought against him. While he was making these statements to Justice Lees, the officer who was bringing in the complaints entered. I believe Mr. Haefner looked over to that officer, specifically, and tried to ask him why these charges were still being brought after he thought he had passed the test. And the officer, I think, replied that he was not the type of person that could interpret such a lie detector test.<sup>19</sup>

Crump, according to Henry, signed the complaints and left before the arraignment even took place.

Crump remembered these events to some degree even years later. “He asked to accompany me. He chose to go to the police station of his own free will.”<sup>20</sup> Apparently, Rick didn’t want to discuss the allegations in front of his mother. Crump freely admits that he didn’t put Rick under arrest prior to reaching the police station—and that he didn’t read him his Miranda Rights until much later that day. But he did read Rick his rights. “I made it a personal habit to advise anyone accused of a crime of their Miranda Rights prior to our conversation about the allegations.”<sup>21</sup>

He also remembered being instructed to take plenty of notes when interviewing a suspect. “I was told to take field notes that could later be used to refresh or recall events that could later be used in court. There had to have been classes on this in my training, I recall that.”<sup>22</sup> Crump took notes himself, although sporadically. “Sometimes more than others.” There

were no procedures or requirements in place to guide detectives on how to take notes.

Crump remembered Sergeant Snyder produced the initial report, about two pages long, on what steps the police had taken. The report surfaced and was discussed at trial, although it is unclear whether this was in fact the same shorter report read into the record at trial or whether that was simply an excerpt. It bears repeating that no official written statements from either of the boys who accused Rick were ever produced.

There were no procedures or requirements for reducing suspect statements and confessions to writing, either. “There were two ways of recording confessions. One was reducing it to a typed statement. The other was a verbal statement being witnessed by another officer. Either was acceptable at that time. To reduce it to a typed statement was not the policy of the department, it was up to the individual officer. Some of us were not as good of typists as others. I’m a two-finger typist.”<sup>23</sup> This may explain the lack of a written confession in the Haefner case. The policy also explains the lack of any signed confession. “If in fact a typed statement were taken, then of course the signature had to be across the pages themselves. If an oral statement was taken, there would be no signature.”<sup>24</sup>

During the interrogation, there were some inconsistencies in Rick’s version of events, according to Detective Crump. “He at first said he was in the garage with Kevin, then changed his story and said he didn’t like Kevin and had terminated him.”<sup>25</sup> Crump also remembered trying to get to the bottom of what exactly Rick had done. “I asked Rick why he was doing that and he said ‘Because my father did that to me.’”<sup>26</sup> Detective Crump was curious about what prompted Rick to massage and tickle the boys prior to the alleged molestation. “I took it to be that he was telling me that his father had massaged him with powder and done just about what he did with the kid.” He was certain he included that in the police report he gave to Detective Walters. He was also curious why Bismoline figured prominently in each attack. “Why would he use Bismoline powder? It seemed he only used Bismoline powder. I never was able to find out why he used Bismoline powder.”<sup>27</sup>

Crump remembered Rick's demeanor after he confessed at the police station. "Rick seemed glad that this had happened.... He seemed relieved, like a burden had been lifted off his shoulders. He seemed to be at peace with himself."<sup>28</sup>

Despite the lack of seemingly necessary evidence such as notes, a signed confession, and a complete statement, Haefner was allowed to leave the police station on the night of his arrest. The amount of time Rick spent at the police station that day has never been accurately established. "The exact time from his coming into the police station until his interview and until his charges, arraignment, and release was a total of eight hours, to the best of my knowledge," Crump remembered.

Rick had a different memory. "I was at the police station for a total of ten hours, and of that time, I was interrogated for five hours. The rest of the time was spent in a cell, mostly. Approximately two and a half hours revolved around the lie detector test. I thought if I just kept telling the story straight, they would eventually stop their tactics and believe that I was telling the truth."<sup>29</sup>

After eight to ten hours of keeping Rick in police custody, the police produced the following report:

Friday, 15 August 1975, Detective Crump and Sergeant Snyder went to 217 Nevin Street and brought Richard Haefner to the police station. After warning him of his rights at 1330 hours—questioned him about these violations. He first denied any wrongdoing with either boy. Upon further questioning, he admitted that he did, in fact, massage Randy at the motel using Bismoline powder all over the boy's body, then rubbing his whiskers on his body in an attempt to tickle him. He admitted that while doing this his mouth may have come into contact with Randy's penis. He also admitted that he did at one time massage Kevin while in the garage even below the waist but would not admit to oral sex with him.

An addendum to that "confession," signed by Detective Jan Walters, was included. It contained the following information:

Questions to Mr. Haefner: Did you engage in oral sex with Randy?  
Haefner's answer: No.

Question: Did you engage in oral sex with Kevin? Haefner's answer:  
No.

Question: Did you insert Randy's penis in your mouth? Haefner's  
answer: No.

Question: Did you insert Kevin's penis in your mouth? Haefner's  
answer: No.

These two reports were the only documents in the possession of Lancaster police relative to the complaints against Richard Haefner as of his release late in the evening of August 15, 1975. I believe they may have been the "two pages" of the report referred to at trial. They would remain the only written documentation through the preliminary hearings and the remainder of the case.

The FBI report compiled in 1980 details one further bit of embarrassment that allegedly took place following Rick's treatment at the police station: "Following his arrest, Haefner said he had received approximately 28 obscene calls. These were reported to the Lancaster City Police, to the State Police and to the telephone company. According to Haefner, in reporting the obscene calls to the Lancaster County Police Department, they [police] told Haefner he deserved what he was getting."<sup>30</sup>

## CHAPTER 6

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### Lie Detector Test

”The polygraph is a fanciful notion and should be treated as such.”—  
Judge Anthony R. Appel

“My opinion was that he was telling the truth.”—Detective Jan Walters

At the police station, Rick consented to a polygraph test to attempt to prove his innocence. Jerry Crump did not encourage him to take the test, but “to the best of my recall right now, Rick requested the polygraph test.” Haefner was anxious to prove that he had done nothing wrong, and he felt that the test might be a scientific way out of a decidedly unscientific situation.

Rick asked if he would be allowed to leave if he passed the polygraph test. “I told him that to the best of my knowledge, once a person takes a polygraph test and passes that’s the way a case typically works,” Crump recalled. “A polygraph was relatively new to the police department at that time. Rick and I had a very lengthy discussion. There were things he would say and things he would not say. We had a lengthy discussion about it prior to the test.”<sup>1</sup>

Detective Crump and Sergeant Snyder were not certified to conduct polygraph tests, so after their interrogation ended, they contacted Detective Jan Walters, a polygraph examiner and fellow detective on the Lancaster police force. Walters had been giving polygraph tests for roughly two years. In 1973, with a grant from the Department of Community Affairs, Walters had logged more than 300 hours of academic training in polygraph administration along with 50 lab hours of practical training at Harrisburg Area Community College. He held an associate’s degree in police science from Harrisburg Area Community College as well. Before he ever sat down

across from Haefner, he had performed dozens of polygraph tests involving criminals of all different types.<sup>2</sup>

Today, Walters is a bespectacled, well-spoken man with a long history of police work, mainly in drug enforcement. He remains incredibly knowledgeable about the polygraph process and recalls much of what he talked about with Rick that night. His memory is remarkably consistent between the various testimonials he made on the record, whether one month or 12 years after the incident. Listening to Walters is like taking a college class on polygraph examination.

A properly administered polygraph, at least in 1975, consisted of a number of steps. The first was a pre-test interview, which involved a general familiarization of the suspect with the process, the machine, and the way the test would work. Then the examiner went over a number of possible questions with the subject, and together the two determined what might be a fair or an unfair question to ask. After the pre-test interview and going over the questions, the actual polygraph test was administered. Finally, a post-test interview took place between the subject and the examiner.

There are intricacies to administering a polygraph examination that are not typically shown in popular depictions of the lie detector test. One of these is determining whether a test is even possible. These factors include how long the subject has been in custody; any sensory deprivation that may have occurred prior to the test; emotional distress; physical health issues; and any dampening of emotions due to suspected drug or alcohol intoxication or adrenal exhaustion. Stim tests, or stimulation tests, are often performed to make sure a subject is responding properly. Walters remembered, “I had to be reasonably satisfied that physically, intellectually, emotionally, that a polygraph was usable. In all respects, I determined that a polygraph was viable.”<sup>3</sup>

“We did have a pre-test interview in which the matter was discussed, the polygraph was discussed, and we had a post-test interview in which the results were discussed,” Walters recalled. “A polygraph examination concerns more than just the testing procedure. It concerns a pre-test interview, the testing procedure, a post-test interview, and each one of those

especially when you're talking about a manner in a sexual text, each one of those questions, if you have guilt feelings about any matter even closely associated with the matter at hand, you will show significant emotional disturbances."<sup>4</sup>

Rick, who had never taken a polygraph test, was naturally curious about whether it would help or hurt his chances of being arrested or charged with the crimes discussed. "He wanted to know, why should he take a polygraph, would it be to his benefit? And I said that if he was telling the truth, it certainly wouldn't hurt him, it certainly wouldn't be to his disadvantage to take a polygraph examination if he was being truthful."<sup>5</sup> Rick was also informed that he couldn't be compelled to take the test against his will.

Sergeant Snyder has a different recollection. "Mr. Haefner stated that he did not commit involuntary deviate sexual intercourse with this boy and that he would take a polygraph test to prove his innocence on this."<sup>6</sup>

Walters reviewed the standard legal paperwork with Haefner prior to administering the test. "I went over the Polygraph Waiver and Consent form, which contains the rights referred to as Miranda Warnings, and two additional paragraphs that are directed more specifically to the polygraph. He took exception to the word 'Request' but not to the words 'Consent and Agree.'"<sup>7</sup>

There are interesting discrepancies with the actual consent form from that night. On the form as filled out by Rick, the words "The subject has (has not) been requested to take a polygraph test" appear. Rick took a pen and crossed out "(has not)." Rick felt this indicated he had not consented to the test, but had been requested to take it. Walters felt otherwise. "To me, it indicated that he was waiving his constitutional rights and agreed to take a polygraph test."<sup>8</sup>

After filling out the waiver and consent form, Walters remembered "Mr. Haefner and I had a conversation after being advised and going through the Waiver Consent as to what had taken place. And he did indicate having contact with these boys in the form of a massage of some type, to the best of my recollection. I don't recall him ever indicating that he had any

specific contact that would be indecent. I remember him saying there was some powder involved, I think.”<sup>9</sup>

The powder was a type of medicated talcum powder known as Bismoline. Jerry Crump recalled the exact name of the powder in a deposition, years after the fact, includes boric acid, bismuth, and a few other ingredients. It was invented by a Lancaster pharmacist in 1894 and has been sold in Lancaster ever since. In 1974, the company changed the packaging of Bismoline to a distinctive pink and blue metal container. One of these containers was allegedly present in the Black Hole. Rick asked whether Walters had heard about this powder from the boys or the other officers.<sup>10</sup>

Walters felt Rick had admitted some guilt to him in their pre-test interview. He explains it this way: “All admissions are not inculpatory. Some can be exculpatory as well.” He further explains the difference between the often-misused police terms “statement,” “admission,” and “confession.” “A statement can be addressing anything. It can be inculpatory or exculpatory.... An admission can be admitting doing certain acts which may or may not be illegal.... A confession is an admission that you make where you are clearly in your mind admitting wrongdoing.”<sup>11</sup> Walters believed Rick admitted things during the pre-test interview he had done that may or may not have been illegal, but had not confessed to the crime.

\* \* \*

“Back at that point in time, which was very early in my polygraph career, I was using a system that I no longer use. That’s not to say that the system was inappropriate. It’s just to say that the system that I use now is better,” Walters says. He performed polygraph examinations by first establishing a single control question with a known true answer, such as date of birth, whether the individual possessed a valid driver’s license, or some other piece of information derived from the intake form the subject filled out, listing personal details and other facts.<sup>12</sup>

In Rick’s state of high agitation, establishing a control was almost impossible. Walters decided to opt for a different method. He asked similar questions in very graphic terms, then again in slightly less graphic, less

direct terms. Examining the responses to the less direct questions, he could establish whether the subject had more or less of an affinity for or response to the less direct questions. He could then examine the responses to both questions and compare them. A subject who was lying should have a greater response to the more direct questions.

Rick responded at least as vigorously to the less direct questions, which established them as a control of sorts. Once this control was established, Walters proceeded with the polygraph test, asking Rick the following eight questions<sup>13</sup>:

1. Do you live in Lancaster?
2. Do you attend Penn State University?
3. Did you engage in oral sex with Randy?
4. Did you insert Randy's penis in your mouth?
5. Did you attend F&M?
6. Did you engage in oral sex with Kevin?
7. Do you have a Pennsylvania driver's license?
8. Eight is crossed out, was not asked.
9. Nine is crossed out, was not asked.
10. Did you insert Kevin's penis in your mouth?

There is some indication that eight and nine were removed at Rick's request during the discussion of what questions would be fair or unfair. One of these questions may have been "Do you live on Nevin Street?"

During the test, Walters noted, "There were significant emotional disturbances which are usually indicative of deception when the subject was asked the following questions (the two questions as to whether or not Mr. Haefner engaged in oral sex, performing in that manner). There were no

specific emotional disturbances when asked the following, and here I became specific about the acts. In other words, I'm saying that he did not in fact perform this specific act of oral sex."<sup>14</sup>

Walters and Rick discussed the results in a post-test interview. "I told Mr. Haefner that it was my considered opinion and the opinion that I would render to the requesting officer, that he did not perform the acts specifically that were, he was being accused of."

Walters was told by Crump and Snyder prior to the test that Rick was being investigated for performing oral sex on two boys. At the time, there was no further allegation of any kind of indecent contact being made. "This was a matter that he was being polygraphed on, to the best of my knowledge, and this was the matter that I told him there was no deception indicated."

Walters stopped short of saying that Rick wasn't a child molester, though, and he made it known to Rick. "He did not, in my opinion, engage in that type of activity [oral sex]. However, I told him that I did feel that he engaged in certain acts of indecent contact, and he questioned me as to what was indecent. In other words, well, who was to say what was indecent? And I said, acts that by the Court's definition and the Code's definition."<sup>15</sup> It was certainly a strange conversation to have after the lie detector test, to be sure—Rick and the examiner, debating what constituted indecent contact with boys. According to Walters, "We entered into a philosophical discussion as to what was indecent and what was not. I felt he felt guilty about what he had done, and that he had tendencies towards acts being discussed, and he indicated that was possible."<sup>16</sup>

Expanding on what kind of indecent contact took place, Walters stated: "The test results show that there was an indecent contact by the defendant's lips and mouth with the victim's body, however, the results do not show that the defendant actually engaged in involuntary deviate sexual intercourse."<sup>17</sup>

"I feel that the results were as follows: The subject performed certain indecent contacts with the privates of both youths, feels and knows that his actions were wrong, probably desires contact of this type first suspected and is struggling with himself to rationalize his actions. This subject did not,

however, engage in out and out oral copulation. I resolved it with what was told to me in the pre-test interview and what was told to me in the post-test interview that he did in fact have certain indecent contact with these youths, thus producing these guilt feelings which produced the emotional stimulus which was recorded by the polygraph on the chart paper.”<sup>18</sup>

Walters remembered Rick’s verbal cues and body language “were those of a truthful person. My opinion was that he was telling the truth.”<sup>19</sup> He felt Rick had engaged in contact that may have been indecent, but did not meet the definition of the crime he was charged with. Detective Crump, who had worked with Walters previously on a number of undercover drug investigations, felt Rick was guilty. “His statements to me ... admitted that 90–95 percent of what Randy said was true.”<sup>20</sup>

Crump felt he understood Rick had passed a portion of the test, but failed other portions, and the results were inconclusive. Regardless, he reported the results to Walter Goeke, his superior officer, and was instructed to bring charges against Haefner in both the Kevin and Randy incidents. Crump maintains he never reported directly to the district attorney’s office, only informed his superior officers and acted on their orders.

\* \* \*

During Rick’s hearing for contempt of court, Detective Walters was asked what exactly the difference was between having oral sex and having someone’s penis in one’s mouth, in regard to the results the questions would produce on a lie detector test. He indicated, “It’s almost the same as saying, did you attack someone or did you stab them in the heart with a knife? One’s going to be a lot more pertinent and hard-hitting than the other.”<sup>21</sup>

None of the officers who interrogated Rick would ever formally admit (i.e., state under oath) they promised him freedom in exchange for the successful polygraph examination. Sergeant Snyder later recalled, “It would have been presumptuous of me not being the prosecuting officer to make any agreement as to whether charges would or would not be brought. I was merely assisting in the investigation, no, I made no agreement whatsoever as far as results of the test or charges being brought or nothing.”<sup>22</sup>

At the time of Rick's arrest, polygraph tests were inadmissible as evidence in the state of Pennsylvania. To this day, many courts choose not to allow polygraph evidence, although the issue has never been brought before the U.S. Supreme Court and is handled differently in various federal and state jurisdictions. To quote Sergeant Snyder, "it's a tool of investigation," not meant to determine guilt or innocence, but to help the police make educated decisions.

After the polygraph examination, Rick was returned to a cell to await Henry Haefner's return to bail him out and give him a ride home. The last person Rick saw at the courthouse was Cadet James McMullen, the "house man" at the station during that shift. "From the time a subject is brought into the police station and has been under arrest, I work with him from there on out until he leaves. I had him come out of the courtroom to the slating counter where the subject is usually brought right to, when they're brought into the station. There, I return his possessions to him and have him sign a slating sheet, and then he leaves."<sup>23</sup> Rick left with Henry that night between 9:30 and 10. His life would never be the same.

## CHAPTER 7

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### George

My glasses were broken. My head was pounded against the pavement and I was basically flailing. I was calling out for help. They picked me up and carried me across the street and several officers came out of the police station. One proceeded to hit me in the genitals and took me into the police station and I wound up in a cell.—George Haefner, Jr.

*October 6, 1975. 5:00 p.m. Downtown Lancaster.*

“Well, that day I had just gone up to visit my attorney, Mr. Henry Haefner, in his office to discuss a case concerning my brother. It was a gorgeous day—Indian summer. I decided that I would just walk home.”<sup>1</sup>

George Haefner, Jr., Rick’s brother, had come back to town from California only a few days before at the behest of his mother. She said “[Rick] was arrested and dad was not in town.”<sup>2</sup> George flew out with his family to see what could be done. Nearly two months had passed since Rick’s arrest, and the preliminary hearings in the three charges against him were looming. The family thought George might be of some assistance uncovering evidence for the defense.

In addition to dropping by so his wife could visit her parents in Lancaster, George had business to attend to—a work-related visit to Nutley, New Jersey, was also planned.<sup>3</sup> George worked for Magnavox, although by then the 38-year-old electrical engineer with the master’s in math, physics, and electrical engineering had already built an impressive resume, which included Hughes Aircraft, Packard Bell, and Jet Propulsion Labs.<sup>4</sup>

All Henry remembered, according to George, was that “he had gone down to the police station and he had been called by my mother and he was there

at the station late, very late in the day, early evening, late evening, to get Richard released.” Henry “asked Richard what had transpired, what was his viewpoint of what had happened and he was trying to find out from Richard more about this whole sequence of events,”<sup>5</sup> but Henry never shared what Rick told him. At least the meeting gave George an idea of what had taken place so far.



**George Haefner, Jr., Rick’s brother, who came back into town to assist with the defense and was beaten by police who mistook him for a forgery suspect (private collection).**

Afterward, George recalled,

I started walking home. I went up by the library and turned left and was going west on Chestnut on the opposite side of the street from the

police station, and I walked down almost to the exit from the garage that's there when Detective Brenamen, whom I did not know at that time, identified himself and stepped in front of me. He identified himself as such, and another officer stepped in behind me. He asked me for identification and I asked him what this was all about. He again asked me for identification, and at that time I said, "well, I think this is maybe harassment based upon what happened to my brother approximately a month ago." He asked me again for identification and I said "What's it all about?" I said "Don't I have any right to know what this is all about?" He said "No, you don't have any rights."<sup>6</sup>

The only thing I remember I was down that quick. There was no blow that I remember that made me fall to the ground—no. I was on the ground, and then my head was driven into the concrete and I felt a sharp kick or blow in the back. I put my hand over my head. What happened next was I started yelling "Help me! Help me God! They are hitting me! They are beating me up!" And I heard someone say—as far as I know it was the man in front of me who at that time was Detective Brenamen say—"Do I have to hit you again?"<sup>7</sup>

Haefner caught the attention of James Brenamen, an eight-year veteran of the Lancaster Police Department. According to one of the officers who arrested him that day, George reminded Brenamen of a forgery suspect that he was on the lookout for. Brenamen later testified to a slightly different version of what happened:

Myself and Officer Weary walked out of the front of the police station. We were on our way to another call at Park City. Immediately upon leaving the police station I glanced across the street and I observed Mr. Haefner. He—at the same time I caught his glance, he caught me and immediately upon my seeing him, I had—I had a previously ongoing forgery investigation I had been working on involving several thousand dollars. I—like I said, immediately upon spotting Mr. Haefner I also had flashes of the suspect with my case. Immediately upon seeing Mr. Haefner, there was no doubt in my mind that he was the man I was looking for at the time.

I immediately told Mr. Weary who was directly beside me that I would have to check this subject out. We walked across the street. I said immediately upon walking up to Mr. Haefner, I removed my badge since I am in plain-clothes and I identified myself and I was showing him the badge and card to him and officer Weary also.

We both identified ourselves and told him we were the Lancaster City Police. I then asked Mr. Haefner if he would show me some identification. He hesitated. The next thing he said, there was a pause of maybe two or three seconds and he looked at me and he said, this is harassment, in a loud tone. I explained to him that it was not harassment and would he please show me some type of identification. And, he again said no, I will not.<sup>8</sup>

Brenamen continued to ask for identification and George refused. Brenamen explained his forgery investigation. “I said, if you show me some identification and I made a mistake, you can go on your way in a matter of minutes. He said, I will not show you my identification. I want to call a lawyer. I said, fine, since we are right across from the police station there is a phone—a pay phone right inside of the police station and you may call anybody you wish.”<sup>9</sup> George claims Brenamen never made this offer.<sup>10</sup>

Brenamen continued: “I said in the meantime, I could get my picture and we could probably settle it that way. He said at this time, I am not going anywhere with you. He said further that I have now spent enough time here and I am leaving. I said, no, you are not. Immediately upon me saying that, he started to turn and walk away. I at this time placed my hand on his shoulder and said, ‘you are under arrest.’ Officer Weary grabbed the other shoulder immediately upon our placing him under arrest. He became extremely upset, excited, threw both of us off.”<sup>11</sup>

The fight in the street continued for 10 to 15 minutes. Other officers, noticing the fray from inside the police station, began to pour out and see what was going on. Captain James Ulrich, a 20-year veteran of the Lancaster police department, was the first to notice something was amiss. “I started through the lobby of the police station and mentioned to Captain Duncan there was a fight across the street and there was officers involved in

it. I went across the street at that time and Mr. Haefner was on the ground. The two officers were more or less leaning over him, not necessarily right on top of him, but leaning over him. They were not fighting him at that time.”<sup>12</sup> George’s glasses were on the ground, broken, and Ulrich picked them up and put them in his pocket.

Captain Duncan had a similar recollection of the fracas. He was a 24-year veteran of the police force at that time. “I was sitting at my desk, clearing my desk when Captain Ulrich and a sergeant ran past my office toward the lobby. Captain Ulrich in passing my office yelled there is a heck of a fight going on across the street. At that time, I turned my chair and stood up and looked out of the window and I saw Detective Brenamen and Officer John Weary down on the sidewalk. They were on the ground, one arm around this man’s back, one had each arm and the other trying to resist the arms which were moving.”<sup>13</sup>

Curiously, Officer Weary, who was involved from the beginning, couldn’t remember anyone striking George at all during the melee. “I don’t recall any officer striking the defendant. When he started walking away and Detective Brenamen put him under arrest, everything started happening so I can’t say what happened just next. I know that we were down on the ground with the defendant but I don’t remember his glasses falling off his face, no.”<sup>14</sup> Both officers later admitted they failed to read George his Miranda Rights when he was placed under arrest.<sup>15</sup>

Shortly thereafter, George asked to make a phone call to Henry Haefner. He was allowed to make the call, but the police dialed the number for him. He remembered Henry wasn’t home, and he allegedly spoke to his wife. “It was strange ... it didn’t sound like his wife,” George said. “I just left the message, ‘this is George Haefner, have Henry call me, I am in jail.’ I was put back in the cell after that and I was fingerprinted, photographed, and they threatened to keep me in jail if I didn’t sign a piece of paper.... I put down that I disagree with any of the words that are there [on the piece of paper]. So that is what I did.”<sup>16</sup> George began experiencing chest pains after the phone call and he was taken to St. Joseph’s Hospital. He spent a couple of hours under sedation before being returned to the cell in the police station where he had been held.<sup>17</sup>

At some point, George Haefner, Sr., was notified that George Jr. was in trouble, and he showed up later that evening. “He took me out on the steps of the police station,” George remembered. “He went down to get the car and by the time he got back, Brenamen was out on the steps and Brenamen was very threatening and he said ‘We are going to get you and your brother. Don’t give us any trouble.’ My father ... was extremely upset ... and told Brenamen, in essence, get out of there.”<sup>18</sup> He then took George Jr. to the family doctor for a follow-up. Later, when George Jr., asked for the records of his stay in the hospital, he was told they couldn’t be released to him.<sup>19</sup>

At his arraignment, George was brought before District Justice Lees, who had presided over Rick’s arraignment. District Justice Lees fell asleep during the hearing. The police never did find the forger. Brenamen testified several months later that the person who committed the forgery “is still unknown to date. We still don’t have a name for them. All we had was a picture taken in West Lebanon Township. The forgeries occurred throughout the northeastern United States and as I said before, it involves thousands and thousands of dollars and this particular forgery was thirty-five hundred and sixty-six dollars from Farmer’s First Bank here in Park City.”<sup>20</sup> George was ordered to appear at a sentencing hearing with Judge Wilson Bucher on February 3, 1976—in the midst of his brother’s trial.

\* \* \*

In the few days prior to the incident outside the police station, George looked into Rick’s case. “I talked with Henry Haefner. I talked with Perezous [Rick’s original attorney]. I talked with various different people who were offering information concerning the case. I talked with Heinly. I talked with the children who, I guess, you would have to include them into a whole group of various individuals, children and adults that offered information associated with this particular case. There was a whole group of them.”<sup>21</sup>

He wanted to get to the bottom of what allegedly happened to his brother that summer. “I talked to kids. I tried to put a time frame to everything that was happening. I remember we made up a timetable trying to account for times based upon—well, there were time cards, went down to a gas station

and talked to some attendant, tried to trace Richard's whereabouts, talked to the kids, talked to Perezous and Henry. There is something else I can't quite recall. Talked to neighbors."<sup>22</sup> He spoke with one of the junior high teachers, Orville Snoke, who testified at the trial. There were rumors circulating that the two boys who accused Rick were getting into problems at school, that they were not the most upstanding young men.

A few days after his own problems with the Lancaster police, George decided to take his family and head back to California. "We were having calls at home. My mother and father again were very, very upset. I bowed to their wishes, especially to my father, not to do anything that would further jeopardize Richard. If my going back to California would help in possibly getting rid of some of these telephone calls, that is what I decided to do." Later, the calls were traced to someone in Lancaster. "I was made aware that there was somebody in the county who they traced the calls to and then that there was also some traces of calls that were made to Kevin's mother." George never identified the individual. "To the best of my knowledge, there was someone who was charged with it. I do not know that as a fact."<sup>23</sup> George was no longer in any position to help with his brother's defense.

## CHAPTER 8

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### A Difficult Defense

“I like to fight cases, but maybe it’s just that I take some pride in them. My defense is never perjury. I think that’s the worst defense in the world with regards to any fact.”—Attorney James Heinly

The attorney who represented Rick during the molestation trial was well known in the Lancaster community. He had a reputation as somewhat of a maverick. James Heinly was an assistant district attorney from 1968 to 1971. Perhaps looking to branch out from public prosecution into a more lucrative private practice as many young lawyers do, Heinly left the DA’s office to become a partner in the firm of Roda, Morgan, Hallgren, and Heinly sometime around 1971. He took a mix of cases, focusing on civil and criminal litigation. He quickly became known as the type of person who didn’t pull any punches.

“Rick’s trial attorney, Jim Heinly, was quite a character.” I spoke to a former Heinly acquaintance on the condition of total anonymity. “He was like a bull in a china shop. He had just left the District Attorney’s office not long before he got hired to defend Rick, so he knew everybody in the Lancaster County courts. I remember he was walking through the courthouse with Rick during one of the hearings, and somebody from the DA’s office said, ‘Hey, Jim, what are you doing back here?’ Heinly tipped his head towards Rick and said loudly, ‘I’m defending this cocksucker!’”

Heinly met Rick around the end of October 1975, when he was retained by Rick and his parents to represent Rick in the charges brought against him by the Lancaster city police. Rick’s first attorney, Michael Perezous, withdrew himself from Rick’s defense, “claiming disagreement over procedure, methods, priorities, and consequences of certain actions.”<sup>1</sup> According to interrogatories filed by Rick, “the real reason for withdrawing was because

of intimidation.” This intimidation was allegedly from city and county officials and District Attorney Richard Eckman.

Heinly never really knew why Rick chose his law firm to represent him. “I’m thinking that he or his family may have known George Morgan, who was an F&M graduate. George Morgan was Morgan in Roda, Morgan, Hallgren, and Heinly. I didn’t know Richard or his family.”<sup>2</sup> The story he related to Heinly was one of total innocence, with a bit of conspiracy thrown in. “Richard’s position was that he didn’t do what he was accused of and therefore this was a total lie and therefore obviously somebody had concocted it.”<sup>3</sup> He never made clear exactly why there was a conspiracy against him, but it was obvious that he believed that it was real.

Rick could have retained his cousin, attorney Henry Haefner, for his defense—Henry was at the jail the night of his arrest. He chose not to, however, later telling police, “I knew my mother was upset, I was mortified that they should even be asking me such questions about such a terrible thing. And I wanted no member of my family down there in the police station.”<sup>4</sup>

As part of Rick’s defense, Heinly said he “asked [Henry] what took place” at the jail when Richard was arrested,” but years later, Heinly could only relate “I don’t recall what Henry Haefner said to me about that.”<sup>5</sup>

Henry, however, did remember: “I had been requested by Mr. Haefner’s mother to call to the police station to find out the status of the investigation against Mr. Haefner, and also I had been requested by her to go down to the police station to ask if I could see him.” He arrived around 8, met with Rick, then left and returned around 9:20. “To accompany him away from the police station, because at that point, I was not counselor for him, I did not go down as counsel for him, but just as a cousin.”<sup>6</sup> He took Rick to get something to eat, then took him home to his parents’ house on Nevin Street.

It may have been for the best that Henry didn’t represent Rick. Rick’s first attorney was allegedly pressured to drop the case, and there was pressure on Heinly from his former colleagues at the district attorney’s office to do the same. Although Heinly denied being asked to withdraw from the case prior

to or during his representation of Rick, a declaration made by Rick's friend Dr. John Price before his death in 1977 indicates otherwise. Dr. Price swore out the following statement and provided it to Rick in the hope that it would be useful in future trials Price was sure he would not live to see. The document was straightforward and to the point, and it made very specific allegations.

May 16, 1977

TO ALL AND TO WHOM IT MAY CONCERN:

This written statement is to prove that attorney James Heinly did in the presence of Mr. and Mrs. Haefner, their son Richard Haefner and myself at a meeting in the former Keiper Mansion on 700 North Duke Street make the following statement, which I heard.

“The reason I am not going to continue representing you in this case is that the District Attorney, Mr. Eckman, has told me to drop out of the case, and he said if I don't he will see to it that I never get another case in the Lancaster County Courts.”

This meeting took place some time after the hearing at which Mr. Terry Hess testified in March 1976.

Signed, John W. Price, Sr., L.F.D., D.Sc., Curator Emeritus and Curator of Paleontology, North Museum of Franklin and Marshall College, Lancaster, PA.<sup>2</sup>

Rick's mother remembered the meeting similarly: “He called us over one night and said ‘Come over right away,’ and we got over there in a hurry, and he said that they were—they were forcing him to quit.” She was unsure who exactly attended the meeting, but remembered it was prior to Rick serving prison time for contempt of court—therefore, before the original trial took place. “Well, I know my son and I went over, and I believe my husband; and we were going to take Dr. Price, but he couldn't go because he was having trouble with his oxygen and breathing or something.” When George, Ere, and Rick arrived, Heinly was visibly upset. “Well, he gets up and walks around with his hands flying up in the air, and you don't get an

answer out of him. He said all he could do was to protect himself. He said, “I have enough to do to protect myself; to protect my flanks, they are after me.”<sup>8</sup> In the end, Heinly chose to continue to represent Rick.

Ere’s recollection is troubling in one aspect: If Price wasn’t there, how could he have made the notarized statement that he did? Could Ere’s memory have been faulty, years after the fact? Her recollection is that the meeting took place prior to the trial, before Rick had been jailed on the contempt charges, in February. If so, did Price knowingly and willfully perjure himself to help his young protégé, knowing he had only months to live and his testimony could never be held against him? Or did Price, suffering from the late stages of terminal cancer, get the dates wrong, but the message correct? It is impossible now to determine the truth. All that remains are the documents and the depositions of two sides: Rick’s family, who claim Heinly told them he was being pressured to drop the case, and Heinly, who claims he was never threatened by the district attorney, although “there’s always a certain amount of game playing and bluff calling” by the county and city.<sup>9</sup>



**Ere Haefner, Rick's mother (private collection).**

Whatever pressures were coming from the district attorney's office, the district attorney wasn't the only one who wanted the prosecution to go smoothly. The police were also less than circumspect about their intentions—especially the chief prosecutor, Detective Jerry Crump. “I would not say he was rabid, but I guess I have to separate my general feelings about Jerry Crump developed prior to this trial and, you know, what Jerry Crump may have been about in this trial. I had a feeling that Crump wanted this prosecution badly. I believe that Crump had a large hand in orchestrating the trial.”<sup>10</sup> With so much interest from the police and the prosecutor's office, Heinly knew the case would be hotly contested.

To understand exactly why the Haefner case was so talked about, it is important to understand attitudes toward homosexuality in general at that time. Despite the reclassification of homosexuality by the APA in 1973, in 1975, all homosexual activity was still illegal under Pennsylvania anti-sodomy laws. Anyone engaging in homosexual activity of any kind, even consensually in private, opened himself up to criminal liability. As a result, there was a much higher incidence of anonymous homosexual activity taking place in public restrooms and other areas—despite the higher risk of getting caught, the benefit of avoiding the scrutiny of or attracting the notice of neighbors and friends was worth the risk. Plus, if your partners were anonymous, you couldn't be “outed” publicly by them as a homosexual.

“Police were completely rabid about that,” Heinly remembered. “But you never know if the police are in cultural lag or cultural lead.”<sup>11</sup> Officers were assigned to hide in the ceiling tiles over the men's room at the Pennsylvania Railroad Station, as well as at the Park City Mall, to observe and report on homosexual activity. For his part, Heinly says he “always felt that Lancaster was inordinately concerned about other people's private sexual conduct.”<sup>12</sup>

Around the same time Rick was arrested, the issue of homosexuality and pedophilia came to a head in Lancaster. A series of arrests of local individuals, including a professor from F&M, were prominently reported in the newspaper. Public interest was high and the sentiment was strongly

against homosexuality of any kind. In Heinly's opinion, "this community treated homosexual activity a little bit like when they first realized that their kids were smoking marijuana, that it was a crisis and they had to do something about it."<sup>13</sup>

Pedophilia was another matter entirely. The idea that his candidate was an accused homosexual weighed even more heavily in James Heinly's legal strategy than the fact that pedophilia was also alleged. "I don't know which one bothered me more. I was more concerned about this case casting itself in terms of consensual homosexual activity, and general homosexual conduct as opposed to some forcible situation where kids were homosexually raped."<sup>14</sup>

There were other reasons the police were so much more involved in the prosecution of the Haefner trial than is commonly seen. In the custom of the Lancaster judicial system at the time, the "prosecutor" was actually a police officer. The district attorney or assistant district attorney could, if he preferred, rely on the police "prosecutor" to build the case, produce witnesses, provide testimony, and so on, or he could become as involved and take over the investigation himself. The DA relied on reports generated by the prosecutor to decide when and how to proceed with the case, which the DA might have little knowledge of. The police prosecutor would either take the lead or assume a role similar to the assistant district attorney chosen to prosecute the case.

The most involved the ADA would be might be during the pre-trial stage, when he met with the prosecutor (police officer) who laid out the witnesses planned for the day, discussed the testimony, and reviewed written statements that were made as part of planning the order of how things were to play out in the courtroom. This typically took place shortly before the trial was scheduled to start and often wasn't planned out much beyond what meeting room in the courthouse was open for the pretrial conference.

Jack Kenneff was one of those hands-off assistant district attorneys. Heinly, a veteran of the DA's office, remembered "Kenneff was kind of green at the time, and I think he kind of got caught up in it a little. I don't think Jack Kenneff knew anything about this trial more than a couple of hours before it

started.”<sup>15</sup> Relying completely on what the police told him, Kenneff was taking the same path Heinly had taken during his tenure as assistant district attorney: “Our feeling was, just throw us a case and we’ll go try it. Give me five minutes to take a look at it and let’s go with it.”<sup>16</sup>

From the defense’s perspective, Heinly’s impression of Rick was “the guy was fighting for his life. He felt he was fighting for his life. Professionally, it was clear to me that he was fighting for his life, and people that fight for their life and have their back up against the wall when the system’s trying to take that away from them are tough to handle.”<sup>17</sup> And Rick wanted to claim complete innocence, making his defense attorney’s job even harder.



**George Haefner, Sr. (private collection).**

During most of his visits to Heinly's office, Rick was accompanied by his parents. According to Heinly, they were an unmemorable couple. "I actually

recall his father a whole lot better than his mother. Maybe just because he was more—he had a mustache and it was a more distinctive feature. I could draw a picture of his father, but I couldn't draw a picture of his mother.”<sup>18</sup> They met regularly to go over every detail of the defense plan being drawn up for their son.

Rick wasn't an easy client to begin with because he wanted a hands-on defense. He intended to look over Heinly's shoulder and actively participate rather than sit back and allow his attorney to run the show. Heinly recalled Rick's steadfast declarations of his innocence making his job harder. “He was cooperative as a client, but he was tougher to handle than the typical criminal defendant that you handle because the typical criminal defendant generally did a substantial amount of the individual facts that he's charged with and readily admits them and the defense of the thing has to do with well, can they prove it. The defense of innocence, total innocence, is in my estimation one of the most difficult defenses, and once you posture that—once you posture your defense that way, you undertake to the jury a large responsibility to prove that.”<sup>19</sup>

Rick's history wasn't making things any easier for his defense, either. He was known in the community as somewhat of an unusual individual—possessing an odd affect, friendly but aloof. One former neighbor recalled the whole Haefner family was considered odd, but chalked it up to them living a white-collar lifestyle in a mostly blue-collar neighborhood. The Haefners were the only family on the street where the mother stayed home, the father put on a suit and tie and went to work every day, and the kids went to college. There may have been some jealousy, but there were positive feelings in the community too. Before the molestation charges, M. Richard Peters related, “the Haefners were a well-known family and at the trial, many spoke favorably of the family.”<sup>20</sup> But there were cracks in the harmlessly odd family.

Even Heinly was aware, to some degree, that there had been allegations against Rick in the past. “I have this funny thing in the back of my head that they suspected Richard, or they had something in their files or calls—I don't know if it was a conversation with Richard talking with the police or not. I can't say for sure that they had him in their files of suspected—I don't

know what they call it down there, child molesters, sex offenders, or whatever—I had a feeling that prior to this offense, prior to these charges, that they were suspicious of him.”<sup>21</sup> He didn’t know the extent of what Rick may have done, but he knew the police wanted Rick for something like pedophilia.

Despite his misgivings, Heinly had a job to do. Criminal defense comes down to creating reasonable doubt in the minds of the jurors that the defendant did not do whatever he was accused of. Regardless of Rick’s interventions, Heinly’s plan for Rick’s defense was simple: “One, raise sufficient doubt with regard to the statements and allegations of his accusers and secondly to present Rick as a law-abiding citizen with no prior criminal record.”<sup>22</sup> To properly accomplish this, he began searching for character witnesses who could demonstrate to the court Rick was a man of high moral standing and good character as well as witnesses who could impugn the testimony of Rick’s accusers, casting doubt on their honesty and character.

One of these character witnesses was Terry Hess. A heavy-set, mustachioed man in his 20s, Hess worked at an Electrolux store near the Haefner home and at some point lived on Nevin Street. While he claimed not to know Rick personally, he knew the family from their occasional visits to the store.

He also knew Kevin and claimed Kevin had told him details of the molestation before he told his mother and brothers about it. Hess was shaping up as a good character witness, although Heinly remembered “my mind’s eye tells me that I would have wanted to dress Hess up a little differently than when I saw him if I was going to use him as a witness.”<sup>23</sup>

Another character witness was Rick’s old friend and mentor, Dr. John Price. He agreed to testify on Rick’s behalf. It was a huge coup for the defense. “The name Price was known around Lancaster,” Heinly remembered. Despite a lack of formal education, Price had risen to a position of power and respect in the community, and he was prepared to bring that power and respect to bear in defense of his young friend. Others at the North Museum were outraged and privately questioned Price. “How could you defend him after what he did to those kids?” they asked. One remembered Price, who had grown up an orphan, saying, “If you’d lived the life that I have, you’d

understand that sometimes giving a hand job or a blowjob to a man is just a part of life.”

With his background in the academic and scientific community, Rick had a number of other character witnesses he could call on, including neighbors such as Robert Freiler, a staunch supporter whose son, Bob Jr., worked at the rock shop on Nevin Street, and bigger names, men Rick had met through his dealings with the Smithsonian or knew from F&M and Penn State. Rick felt sure he could convince these men to testify on his behalf. Oddly, Rick’s parents were also allowed to testify on his behalf—odd because they would seem to have a vested interest in Rick being acquitted.

In keeping with their hands-on nature, Rick and his family began searching for evidence. Rick felt that since the version of events the children were telling was, in his view, false, that while they might be willing to lie to police or other adults, they would be less likely to lie to their friends. They might even slip up, change their version of events, or otherwise admit the accusations were false. To this end, he enlisted a few young friends who were older schoolmates of his accusers. His plan was to have them secretly record the boys talking about the molestation incidents during a series of car rides around downtown Lancaster—a hobby many of the teenagers enjoyed.

Heinly remembered Rick’s basic plan: “They’d ride around town. That was their activity, and some people who were willing to be friendly toward Richard were willing to have a tape recorder going in the automobile. The subject of this prosecution of Richard would be brought up to see if they would maintain their story or whether or not just within their own peer group they would admit that this was just blackmail against Richard or it was all made up or it never happened or something like that. That was the idea.”<sup>24</sup>

As Rick’s attorney, he thought it was a good idea. “I thought that would be the best evidence, if you’d get a witness on tape admitting that the story was a lie.” Unfortunately for Rick, the tapes did not turn out the way he wanted. He had a number of tapes produced and transcribed.

When he shared the tapes with Heinly, the results were less than satisfactory. Far from changing their version of events or deviating in the details, Heinly remembered, “I didn’t think they wavered in their stories from listening to the tapes.”<sup>25</sup> Despite the fact they were not useful for the defense, the tapes would come back to haunt both Haefner and Heinly.

Similar problems arose when Heinly spoke with the police officer who conducted the polygraph test the night Rick was arrested. The test offered no conclusive evidence of guilt or innocence. “I recall a conversation with Jan Walters and I specifically remember Jan Walters said that the lie detector test was inconclusive and that he was willing to say honestly that it was totally inconclusive.”<sup>26</sup> The trial was shaping up to be tougher than anyone could have imagined.

## CHAPTER 9

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### Preliminaries

“The courts operate directly contrary to the way I’ve been trained. In science, we assume the integrity of the other side and organize the facts around that. In Lancaster County law, you attack the integrity of the other side and ignore the facts. Logic has no part in the legal system of Lancaster County.”—Richard Haefner, *Boston Globe*, May 27, 1976

Despite the prosecution’s insistence that the cases against Rick were strong enough to hold up in court, problems began almost immediately in the preliminary hearings. The cases were separated, so even if one somehow ended favorably for the prosecution, the other could be tried on its own merits later. This was a strategic move for the prosecution, giving it a much better chance of having at least some of the charges stick.

The issue of the lie detector test results was brought up almost immediately at the preliminary hearing. Rick was clearly instructed to make no mention of the fact he had taken a polygraph examination or had allegedly been offered immunity in exchange for passing it. Because lie detector tests are inadmissible as evidence in Pennsylvania, even mentioning it could impact the outcome of the trial as well as potentially place Rick in contempt of court since he had been specifically instructed to avoid the issue.

At Kevin’s preliminary hearing, the boy denied he had ever told anyone Rick had actually performed oral sex on him—there was no penetration. After a prolonged period of questioning by Rick’s attorney, Kevin began to cry, and a recess was called by District Justice Lees to allow Kevin time to collect his thoughts.

Kevin returned from the recess and insisted he told police Rick had put Kevin's penis in his mouth during his alleged assault. He was confused earlier. He pointed out the district attorney, Jack Kenneff, had reminded him of this fact while they were in the hall during the recess. The police insisted Kevin told them that Rick put Kevin's penis in his mouth. A debate ensued about exactly how much of Kevin's penis, in inches, had been in Rick's mouth at any point during the assault. It was never fully clarified by the prosecution.

In Kevin's case, Rick was charged with involuntary deviate sexual intercourse as well as corruption of minors. At that time in Pennsylvania, involuntary deviate sexual intercourse, Section 3125, Subsection 3101(d), required insertion, either in the mouth or in the anus, of the penis, "however slight," with ejaculation not required. Based on Kevin's testimony, and what police were testifying to, this crime had not actually taken place, but because of the sudden change in Kevin's testimony, the charges were allowed to stand.

Even though Kevin claimed he had not told anyone about the assault until Randy told him he had been assaulted, there were other classmates of Kevin's known to Heinly who were aware of the assault, indicating that Kevin may not have been entirely truthful. Making matters worse, Kevin's own mother testified she was "sure" he had told her first, in July, shortly after the alleged attack had taken place.<sup>1</sup>

Heinly's closing arguments made clear his disdain for the spectacle the prosecution presented. "They [the prosecution] have one witness in this case, and I don't think on the basis of that witness's testimony that this man should be subjected to the Courts of Lancaster County until such time as they have satisfied their burden of bringing you a prima facie case which isn't full of doubt, which isn't full of unbelievability, which isn't full of contradictions and which has not one bit of corroboration by any person whatsoever, by the police officers who interviewed him, by the mother, by the brother or by anybody else in this case."<sup>2</sup>

Despite Heinly's protestations and Kevin's wavering, District Justice Lees sent the case through for trial, stating, "I have listened to it all here and I

have also taken into consideration that we are all human and the boy is just a boy. He is just obtaining the age of puberty at twelve, and I have had a family, and I have raised them, and I know what they look like. There is a multitude to take into consideration here on my standing here and what effect it might have, and I am convinced of this much; that I think it should go to Court. Let my peers decide whether I was wrong or right. I am not saying I am right or I am not wrong. I am just saying that I am convinced in my mind that yes, it is strong enough to bear fruit. That's it."<sup>3</sup>

\* \* \*

Randy's preliminary hearing was equally problematic, but for different reasons. While Randy, much calmer at 14, remained composed on the stand and related a much more consistent version of events, the police had committed a number of flaws in their handling of his testimony. As previously mentioned, no written or signed statement was produced.

Kenneff began by amending the complaint, "corrupting children," to include the wording "did corrupt or tend to corrupt the morals of said minor." Seemingly a small point, but important considering that the entirety of Section 6301, corrupting children, had been repealed November 28, 1973, via Act 117, Section 2 of Pennsylvania law.<sup>4</sup> In the rush to prosecute, no one had noticed the simple fact that Rick was charged under a part of the criminal code that had been repealed nearly two years earlier!

ADA Kenneff was able to amend this as well, changing the charges at the bench to a violation of Section 3125, corruption of minors. District Justice Lees approved the change and allowed the charge to go forward without complaint, despite the fact, as Heinly pointed out, "they are alleging a completely different crime and they want to bring it in under this Complaint." The case should have been thrown out then and there but it wasn't.

It may seem like semantics on the part of the defense, given that the wording of Section 6301 of the criminal code virtually mirrors that of Section 3125, which replaced it, but the implications were actually significant.

Section 6301: By any act corrupts or tends to corrupt the morals of any child less than 18 years of age.

Section 3125: By any act corrupts or tends to corrupt the morals of any child under the age of eighteen years.

Changing the charges that someone was brought into court under, during the court hearing, is not a generally accepted practice. It smacks of incompetency and an unfair trial situation. If the charges are not what are referred to as cognizant of each other—for example, a person charged with aggravated assault also charged with simple assault—the process is typically frowned upon.

This minor change, made on the fly, allowed the case to go forward without Haefner and his attorney being able to get the initial case dismissed and preserved the momentum of the prosecution. Getting the case dismissed at this point would have potentially been a legal win for Haefner—one that the prosecution was not willing to let him have. In and of itself, the simple change of a similarly-worded, arguably-cognizant citation is not a legal problem, but combined with the other inaccuracies in the case, shows a lack of consideration on the part of the judge for the potential serious legal challenges down the road.

There were other problems with Randy's testimony. The police admitted they had done nothing to figure out whether they even had jurisdiction. The alleged acts took place at a motel that may have been in Lebanon County, not Lancaster County. The motel was somewhere near Cornwall Iron Furnace (in Lebanon County) and roughly "thirty-six miles from Lancaster City, ten miles from Hershey," as recalled by Randy from the street sign he had observed.<sup>5</sup>

The police had never actually gone to the motel, had never even identified what or where it was, and had never fully determined whether the crimes took place in Lancaster or Lebanon county. Detective Crump himself testified: "there was some doubt as to the county the motel was located in. I don't know. If I don't know, I can't say. I don't know. Lebanon County was a possibility. Dauphin County could have been a possibility and Lancaster County as far as I know."<sup>6</sup> Three possible counties mentioned by the

arresting officer, and only one arresting police force, with jurisdiction only in Lancaster County.

Even Rick's age came into question. In November of 1975, Rick Haefner was 31 years old. Crump, working from memory since he had produced no written reports, recalled he was "thirty years old." Minor points, perhaps, but taken as a whole, they show a general inability to accurately recall facts associated with the case. If the police cannot recall the stated age of individuals they have arrested, how can they be trusted to recall the pertinent facts provided to them by the witnesses they have interviewed?

With no written statements, no signed confessions, no notes, and little coherent or non-contradictory testimony, the case against Haefner at the preliminary trial was paper thin. At any point, the district justice could easily have dismissed the case and asked for more evidence from the prosecution, but instead he chose to refuse the objections of the defense and let the case continue. Here again, in Randy's preliminary hearing as had occurred in Kevin's preliminary hearing, a sloppy prosecution was overlooked by the district justice, who simply passed the case to trial without making any determination or judgment as to the probative value of the evidence presented to him.

Heinly's strenuous objections were roundly dismissed by the district justice in both cases, and the first of what was intended to be two trials for Richard Charles Haefner was bound over for the January 1976 term of criminal court. Judge W. Hensel Brown was set to take the gavel in what was expected to be just another criminal court trial among hundreds that would be conducted that year.

## CHAPTER 10

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### The Trial Looms

While the prosecution wasn't worried about the upcoming Haefner trial, Rick's mother was. On January 25, the day before it was set to begin, she made out her will. It left all of her worldly possessions to her husband George and split them equally between Rick and his brother George Jr. in the event that her husband predeceased her.<sup>1</sup> There was no telling what effects seeing her youngest son on trial would have on her health, and she seems to have expected the worst.

Ere was not alone in her concern for her son. Robert Freiler, the father of one of the boys who worked for Rick and a friend of the family, remembered a visit from Haefner the night before the trial: “[Rick] came over and asked if I would help him go over his testimony for his trial. Mostly he was concerned with what had happened down at the police station, and the fact that he was ordered by the court not to say certain things.”<sup>2</sup>

Freiler agreed, and later that afternoon, about 4 p.m., “we went over ... his testimony ... and then we started to go over this testimony for what happened at the police station. At that time, my children started to come in and out of the house for supper, and we were interrupted, and I could see he was upset. And I said, well I said, ‘I’ll send the children out.’ He said, ‘no, don’t bother,’ he said, ‘I’ll go home.’ I said, ‘well I don’t want you going home like this.’ I said, ‘you’re upset.’ I said, ‘let me take you home.’ I said, ‘I don’t like the way things are here.’ He said, no. So I said, ‘Ok, but you take care.’ So he started up Coral street towards his home, which is north, and I watched him until he at least got across Bay Street, and I said, I came back in the house and I said to my wife, ‘I’m worried about him. He’s really upset. I’m afraid something is going to happen to him.’”<sup>3</sup>

Around 8:15 or 8:30, Rick called Mr. Freiler and asked him to come over. Rick and George Jr. and Ere were there. Rick again recited his testimony. “I held his notes and I watched carefully,” Freiler related.<sup>4</sup> George Sr. said Rick “kept repeating that he wants to tell the truth and nothing but the truth, and he said he had been warned not to bring in a certain type of testimony, and he was very upset and very concerned about that.”<sup>5</sup> Ere also remembered Rick “kept going over his testimony constantly” in the weeks leading up to the trial.<sup>6</sup>

While the legal drama may have been new for the Haefner family, it was not new for the trial judge who wound up hearing the case, Anthony Appel. He was no stranger to court proceedings. He had come onto the bench in Lancaster County in January of 1970 and was assigned to the orphan’s court division in June of that same year.<sup>7</sup> Orphan’s court was somewhat of a misnomer, since it didn’t deal solely with orphans or family court issues. Civil and criminal cases were within the scope of an orphan’s court judge as well, but it was not necessarily common for an orphan’s court judge to handle these.

Judges’ courtrooms at the Lancaster County Courthouse were assigned by the president judge. Appel’s was Courtroom 4, on the third floor. He heard the bulk of his cases there, unless there was some unusual need for him to work out of another courtroom. Court was held for two-week terms four times per year, then six times per year, meaning that prior to Rick’s trial, Judge Appel had heard anywhere from 275 to 325 criminal cases.<sup>8</sup> Clearly, he was well equipped to handle any type of case or situation he might be confronted with.

Outside Courtroom 4 was a small law library and Appel’s chambers. These areas were typically off-limits except when criminal court was in session.<sup>9</sup> As a result of this layout, prosecutors sometimes needed to leave the third floor and head down to the second floor, where there was a restroom as well as additional space where witnesses could wait until they were called. Just outside the door of the judge’s chambers was the court reporter’s desk, where Kathleen Mumma, Appel’s reporter, kept her notes and equipment.<sup>10</sup>

Kathleen Mumma had been a court reporter since 1972 and assigned to Courtroom 4 for most of that time. “Generally in the court a judge was assigned to a courtroom and a court reporter was assigned to that same courtroom,” Appel remembered.<sup>11</sup> The president judge was also in charge of the court administrator’s office overseen by court administrator Arnold Reedy, who also handled the assignment of court reporters. Although she had been a court employee for several years, Mumma had a reputation as an inaccurate transcriptionist. She was a certified shorthand reporter, taking transcription in written form rather than through the use of the stenographic typewriters beginning to come into use in courtrooms throughout the country. Appel didn’t mind even though his signature had to go on each transcript she prepared for him. “My review of the transcripts which she prepared for signature established that in most instances they were to my recollection. There were times when there were inaccuracies like dates ... occasionally there were spelling inaccuracies. Her work was satisfactory to me.”<sup>12</sup>

Appel’s statement is borne out in the official transcript. There are any number of spelling inaccuracies; in one instance, Jerry Crump was referred to as “Gary.” Spelling errors and homonym problems are more easily excused with autocorrect and spellcheck programs in the modern era. For something prepared by hand and checked by audio tape, these errors are almost inexcusable.

Appel recalled seeing Kathleen Mumma, her daughter Patsy, and her husband Clyde on a number of occasions socially as well as professionally through their work together at the courthouse. “One time Mrs. Appel and I were at a shopping center near Philadelphia during the Christmas season. On at least one occasion and maybe more, Mrs. Appel and I entertained individuals who were assigned to my courtroom or were personal staff.”<sup>13</sup>

The assignment of Haefner’s case to his courtroom was, according to Appel, somewhat happenstance. “I don’t recall who was assigning cases at that time.” There had been previous motions and hearings under other judges in the months prior to the trial. Sometimes the DA assigned cases to certain judges, based on criteria established by the DA unknown outside the DA’s office.<sup>14</sup> In general, however, the judges worked cases in much the

same way as the DA's office prosecuted them—from the hip, at a moment's notice. As Appel later recalled: "I would be told there was a case for trial at my courtroom. I'd go to the courtroom and there it was. That was the first I'd heard of it."<sup>15</sup> As the trial date loomed, no one had any way of knowing what was to come.

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# CHAPTER 11

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## The Trial Begins

The morning of January 27, 1976, was warmer than usual, around 33 degrees, and thankfully without snow. In the courtroom, the day was taken up with jury selection, which lasted until 4:50 p.m., when Appel released the spectators and they walked out to almost spring-like 50-degree weather.

On the 28th, as spectators, jurors, and others filed into Courtroom 4 of the Lancaster County Courthouse, no one had any idea they were witnessing the first part of a dramatic production that would consume the defendant's life entirely as well as a substantial amount of time and taxpayer money.

For those who had been paying attention since jury selection the day before, there was one interesting change already. At the last minute and for no apparent reason, Judge W. Hensel Brown, who had been scheduled to hear the case, was replaced by orphan's court judge Anthony Appel. He began his introductory remarks by explaining a bit about himself and how he ran his courtroom.

Appel went on to issue specific instructions to the jury during his opening remarks: "You are not permitted to take notes on the testimony or on anything said by me or by counsel. When you deliberate on your verdict you will have to rely on your own memories of what was said in the courtroom.... We have a court reporter who will make a record of the testimony, and if you fail to hear a question or an answer while a witness is testifying, raise your hand immediately. The reporter can then read back whatever you missed."<sup>1</sup>

He further advised: "You are the judges of the credibility and weight of all evidence, including the testimony of witnesses. By credibility of testimony or other evidence, I mean its truthfulness and accuracy. In judging

credibility and weight you should use your understanding of human nature and your common sense. Observe each witness as he testifies. Be alert for anything in his words, demeanor or behavior on the witness stand, or for anything in the other evidence in the case which might help you judge the truthfulness, accuracy, and weight of his testimony.... Each of you must keep an open mind throughout the trial. You should avoid forming opinions about the guilt or innocence of the defendant or about any other disputed question until you begin your deliberations.”<sup>2</sup> As he would discover, not every juror listened to this advice.



**The old Lancaster County Courthouse, which dates back to 1852. In 1978 it was added to the National Register of Historic Places (author’s collection).**

Finally, Appel noted on the record that “until 1970, the Orphan’s Court Judge, except in rare instances, never sat in Criminal Court,” but he had been doing so since 1970 and might have scheduling conflicts that could delay the trial. He laid out a rough schedule for the next two and a half days, his stated estimate of the length of the proceedings involving Haefner.<sup>3</sup>

In the jury box, M. Richard Peters was already hoping Judge Appel was correct in his estimation. The 33-year-old was a process analyst for NCR and he had a wife and two boys around the age of the plaintiff at home. He had just served several weeks as a juror in a murder trial, and his supervisor at work had called already, pressuring him to return as soon as he could. With any luck, he’d be back by Friday.<sup>4</sup>

He was an odd choice for a juror anyway. Since he told the court he had boys the same age as the boys in the trial and a brother with the Pennsylvania State Police, he felt as though he would likely be excluded. As jurors go, it would seem he would present strong feelings about child molestation. He had been selected, though, and now he hoped for the best—a quick and clear-cut trial.<sup>5</sup>

The evidence produced by the prosecution and the defense the jurors would need to make a decision was scant. The official Index to Exhibits shows only 13 pieces of evidence:

No. 1—Diagram [of the “Black Hole” garages]

No. 2—Complaints

No. 3—Complaints [both copies of the “report” that had been produced, one in actuality a booking/arrest report]

No. 4—Sixteen pictures of the interior of the garages, taken at an unknown time by an unknown individual.

No. 5—Plan of garage.

No. 6—Kevin Burkey’s Time Record

No. 7—Bumper Haefner’s Time Record

No. 8—Army & Navy Store Receipt [for the purchase of work gloves for the boys]

No. 9—Army & Navy Check

No. 10—Haefner Post Card [from a geological group that planned to visit]

No. 11—Tapes (recordings) [these were the ill-fated Groff recordings seized toward the end of the trial]

No. 12—Tapes [recordings]

No. 13—Tapes [recordings]

It was clear not much work had gone into the preparation of that case and the allegations would be the main topic of debate. As in many sex crimes against children, physical evidence was lacking.

The trial got off to a rocky start almost immediately. In laying the ground rules, Judge Appel refused to allow any testimony regarding either the polygraph test administered by the Lancaster police or a voluntary polygraph test Rick had taken with a “31-year veteran of the State Police,” both of which allegedly showed his innocence. Rick was not even to mention these polygraph tests in passing in his own testimony.<sup>6</sup>

Appel also pronounced that the tape recordings produced by Rick’s teenage friends during the course of their attempts to get his accusers to recant were illegal and would not be admitted into evidence.<sup>7</sup> This was a problem not resolved so simply, as Steve Groff, one of Rick’s witnesses, discovered. Randy’s charges were separate from this case, yet he remained on the schedule to testify as a rebuttal witness with instructions not to mention his own experience with Haefner.

Making matters worse, Judge Appel allowed Kenneff to begin his opening statements while Kevin sat in the front row of the courtroom. As Kenneff

listed in great detail what he planned to prove for the jury, Kevin paid rapt attention. Since all of the witnesses were to have been sequestered prior to the beginning of the proceedings, Heinly asked for and received an order from the court that the testimony be stricken and Kevin removed.<sup>8</sup> He also asked for the first of many mistrials, which he would not be granted. With these matters out of the way, the prosecution's first witness was called.

\* \* \*

“Would you state your name please?”

“Kevin Burkey.”

“Tell us again, where you live.”

“348 East Frederick Street.”

“How old are you, Kevin?”

“Twelve.”

“This is going to sound dumb, have you ever been married to Richard Charles Haefner?”

“No.”<sup>9</sup>

From this strange start, the questioning of young Kevin Burkey by attorney John Kenneff began. Burkey was a seventh grader at Lincoln Junior High School and an average student—the class that gave him trouble was on electrical systems, he said. He had worked for Richard Haefner for about a week in July 1975—the first week, to be exact, a week he remembered because, in his words, “[Rick] was saying stuff about having off for vacation, and that's how I knew.”<sup>10</sup>



**217 Nevin Street (left) and one of the Haefner mineral storage garages mentioned in the trial.**



**The “rock shop” work garage in the alley next door to 217 Nevin Street. You can still find pieces of cracked minerals from the sample boxes in the gravel outside the door (both photographs, author’s collection).**

Kevin testified he had gone over to a garage “near Reynolds School in an alley” with Rick and had shown the garage to “Gary Crump,” whom he identified as the detective sitting beside Kenneff. The error is a perfect example of Kathleen Mumma’s transcript inaccuracies described earlier.

“Why did you and Mr. Haefner go to this garage?” Kenneff asked.

“To pick up a couple of rocks.”

“How did you get there?”

“In his car.”

“After you got to the garage, what did you do?”

“I went back and chopped them up.”

Kenneff was failing to get what he needed out of Kevin. He decided to try a different approach.

“You said you went up to the garage in Mr. Haefner’s car?”

“Yes.”

“After you got there, what did you do?”

“Picked the rocks up.”

“After you went in his garage and got the rocks, what did you do with them?”

“Put them in the trunk of his car.”

“Then what did you do?”

“Went back to his other garage beside his house.... We took them in the garage and set them in a barrel.”

“Then what happened?”

“Went to lunch.”

“Then what, what did you do after lunch?”

“Then we went back to work.”<sup>11</sup>

Kenneff tried yet another strategy, attempting to lead Kevin by asking again if and Rick had returned to the Black Hole that day. A quick objection by Heinly forced him to rephrase the question, but he was still having little success with the young witness.

“Did you do anything else that day, other than work in that garage?”

“Not that I remember.”<sup>12</sup>

Heinly asked to approach the bench and Appel agreed. They placed Kevin further back in the courtroom for a discussion at the bench that does not appear in the official record.

When they returned, Kenneff stated: “My offer is that the witness has told me out of court that when he went up to the garage the first time, he helped Mr. Haefner, the Defendant, put rocks in the trunk. After putting the rocks in the trunk, they went back in the garage. I feel that the witness doesn’t understand the portion of the testimony that I want to get into.... I think the law entitles me to some leeway in questioning witnesses of tender years such as the witness presently on the stand. I will try to keep the questions brief and not be leading, but feel it is very important to get this evidence.”

“I will permit you to go back, and I recognize you do have a young witness, but you will need to exercise extreme caution as to leading him,” Appel replied.

Kevin returned to the stand and Kenneff continued. “While you were up at the garage by the Reynolds School, the time you were up there before lunch, did anything else happen while you were up there?”

“Yes.”

“Tell us what else happened.”

“He blew me.”<sup>13</sup>

“What did you just say?”

“He blew me.”

“How did this happen?”

“I laid down, unbuckled my belt and pulled down my pants and undershorts, and that’s when it happened.”<sup>14</sup>

“Was anyone else there besides you?”

“Yes.... Richard Haefner.”

“Why did you take your pants off?”

“He forced me.”

“How did he force you? Look at the jury and tell them how he forced you.”

“He told me to lay down, and I laid down and I was scared.”<sup>15</sup> Kenneff asked Kevin to turn and repeat himself for emphasis. He did so.

Heinly again noticed Kenneff asking leading questions, this time about the sequence of the testimony. Did he pull his pants down first, or lie down first?

“Well, I asked to have a little leeway.”

“Well, you simply don’t lead your witness. He asked the preliminary question whether the pants were down before or after, and then proposes what the answer should be by his next question,” Heinly replied.

“I’ll rephrase the question.”

“After you laid down, what happened next?”

“He blew me.”

“Did anything lead up to that?”

“Let the record indicate the witness is shaking his head, no,” responded Heinly.

“I can’t remember.”

Kevin said that Haefner “put his mouth over my balls” and the “tip of my penis in his mouth.” He then stated that Rick put his fingers on the tip of his penis and began “jerking him off” before asking “if I was going to come.”<sup>16</sup>

Kenneff asked Kevin if he would mind going over some things to get the sequence of events in order, and then he began to ask some of the same questions, but with the wording slightly changed to portray Haefner as the actor.

“What was the first thing Mr. Haefner did, after you laid down?”

“He pulled down my undershorts and underpants.” He repeated Rick “blew me,” twice, then Rick “jerked him off,” and then retold the incident involving the Bismoline for the first time. Kevin indicated a light in the garage was on and the door of the garage was open “a little ... about four inches.”

“What kind of a door are we talking about, what kind of door was it?” Appel interjected.

“Wood.”

“Are you talking about a door a person walks through?” he pressed.

“A garage door.”

“That an automobile would go through?”

“A door an automobile would go through.”

“Would it go up or open to the side?”

“It opened to the side.”

“And it was open about four inches?”

“Yes.”<sup>17</sup>

Kenneff resumed questioning Kevin about who he told and when he reported the incident before letting Heinly cross-examine him. Heinly’s questions mainly revolved around whether he told James Burkey or their mother first, and Kevin replied that he told James first, then his mother while helping a friend with a paper route on Lemon Street when he passed

her coming home from work. James Burkey lived across from the Lancaster County Prison, having moved there a month or so before the trial. Previously, he had lived on Frederick Street with Kevin.

Heinly then turned to Kevin's activities the day he took police to the garage. After going there with Crump and being dropped off at home, Kevin said, "I went down to my friend's house, Randy." Interestingly, he contradicts Sergeant Snyder here, as well as other testimony that placed Randy in the car with him.

"Where did you go from there?"

"Up to the paper route with my other friend."

"Where does the paper route begin?"

"On Lemon Street."

Kevin explained the papers were dropped off at the corner of Lemon and Queen streets, in front of the Electrolux store where a young man named Terry Hess worked. Kevin sometimes stopped by for a drink of water, and Hess had told him that was OK—just walk in and get it. He said he spoke to Hess about what happened, but denied he told Hess before he told his mother.<sup>18</sup>

Burkey also recalled the circumstances surrounding his employment at the rock shop in greater detail as Heinly questioned him. He said there were normally four boys working together, all out of the main garage facing the house at 217 Nevin Street—Randy, Kevin, Rick's cousin Chris "Bumper" Haefner, and Robert Freiler—but that day, only three boys were working. Freiler was out sick—a point upon which the trial would eventually swing.<sup>19</sup>

Kevin said it was unusual to go to the storage garage unless all the rocks at the work garage had been exhausted. Despite this, he had been up to that garage two to three times in the four days he worked at the rock shop. He told Heinly they had gotten the rocks to put in Rick's trunk out of a larger

barrel and everything Rick had done to him had taken place from the front—he had never been pushed to the floor from behind.<sup>20</sup>

He further testified Crump returned to his house once since the original visit—on the Monday before the trial. Crump stayed with him for an hour and rehearsed his testimony. His two brothers were home too; James rehearsed with them, and a younger brother, Dave, did not. The question was whether Kevin ever told anyone at the preliminary hearing that Richard placed his penis in Kevin’s mouth—an accusation that had come out at some point between the preliminary hearings and the trial.

“Do you recall whether or not anybody asked you any questions at the Preliminary Hearing concerning whether or not Mr. Haefner’s penis was in your mouth?”

“Yes.”

“You do?”

“Yes.”

“Who do you recall asking that question?”

“My mom.”

“She asked you that, out in the hall?”

“Yes.”

“Was that before or after you testified?”

“Before.”

“Did you tell Detective Crump at your home on Frederick Street that Mr. Haefner’s penis was in your mouth?”

“Yes, I was getting mad at my brother, that’s why I said it.”

“You were getting mad at your brother and you were saying what?”

“He was saying, I did [have Haefner’s penis in his mouth].... Dave, he was saying I did, and I go, yeah, sure.”<sup>21</sup>

The conversation allegedly took place the day Crump returned to help Kevin practice his testimony.

“In that conversation, you got into an argument with your brother, David?”

“Yes.”

“And David did what?”

“He was trying to pick a fight with me, saying that it was [in his mouth].” Kevin was being shamed, as is common in abuse cases, being accused of participating in or even reciprocating what was alleged to have happened to him.

“And you told them, you didn’t do anything to Richard?”

“Yes.”

“When did you first become aware of hearing this term blow, or blew me?”

“I don’t remember.”

“About a year or so before this?”

“Yes.”

“You talk about it with your friends and so forth, don’t you?”

“No.”

“That’s not part of your vocabulary?”

“No.”

“How about penis?”

“Yes.”

“When did you first hear that term?”

“A long time ago.”

“Do you refer to your penis by any other nomenclature?”

“No.”

“Never?”

“No.”<sup>22</sup>

Heinly was carefully preparing Kevin’s testimony to try to draw a contradiction from Detective Crump later. He questioned Kevin for a few more minutes on whether he had eaten lunch and where on each day in question. He also asked again about when he told his mother and what kind of floor was in the garage.

“Cement.”

“Is that what you were standing on, all this time?”

“Yes.”

“And throughout this time, you never had an erection?”

“No.”<sup>23</sup>

The longer Kevin was on the stand, the more his testimony broke down—not entirely unexpected for a 12-year-old boy. Heinly asked about the car rides with Steve Groff and Joe Eckman and whether Rick had ever had a weapon in the garage.

“No, I didn’t see anything.”

“Did you see any razor blades?”

“No.”

“Have you ever told anybody, that he had a razor blade in the garage with you?”

“No, but I told [Crump] he had a razor bag in the garage.... It was beside him.”

“Did you tell anybody; you were threatened with a razor blade?”

“No.”

“Were you?”

“No.”<sup>24</sup>

Kevin said Rick did not turn him over on his stomach when he was in the garage and he never told anyone he had done so, but he did state Rick asked him to turn over. He also mentioned a rug in the center of the garage, a sort of macramé with many colored stripes, inexplicable there in the midst of the bulk mineral storage area, but was never found by the police or appeared in any of the pictures. Why would there be a rug in the middle of a storage room like that? It is an odd memory for him to have. Finally, he repeated to Heinly the door was open about four inches, the incident happened on a Wednesday, and about an inch of his penis had been in Haefner’s mouth.<sup>25</sup>

“Those are the only questions I have of this witness, your honor.” Heinly was preparing to finish his testimony.

“I have just one question,” Kenneff interjected. “Can you tell us whether your penis was ever hard?”

“Yes.”

“Do you know what Mr. Heinly meant by the word, erection? Do you know what that means?”

“Yes.”

“What does it mean?”

“When you get a hard-on.”

“When Mr. Heinly asked the question, ‘if you had an erection,’ you said no. So, I’ll ask you the question one more time. By erection, it means the penis is hard?”

“Yes.”

“Was your penis hard?”

“Yes.’

“I have no further questions.”

“All right, you may step down. You will go out in the hall, you are not to discuss your testimony with anyone out there,” Appel instructed.<sup>26</sup>

\* \* \*

Kevin’s mother was called to the stand. Eileen Burkey was a classic example of one of Rick’s victim’s parents. At 39, she was unmarried and she had a full-time job washing clothes, a seventh-grade education, and several boys of various ages. She was too busy to constantly keep tabs on her son. She had not had custody of Kevin continuously; she’d been “separated from him for a while” but around continuously since December of 1974. She first heard the allegations from Kevin, who was working a friend’s paper route near East Lemon Street where he ran into her on her way home from work. She noted that Jim Burkey, Kevin’s older brother, found out before she did. After a few more questions, she was excused.<sup>27</sup>

Judge Appel adjourned court with this caution to the members of the jury: “I must remind you that you’re not to discuss this case with each other, you’re not to discuss the case with anyone else, and you are to permit no one to discuss the case with you. You’re to read nothing about the case, you’re not to listen to the radio discussing the case, and you’re not to watch television if it’s reported on the television. And since it’s such a beautiful

evening, why you may talk about what a beautiful evening it is and how much nicer to have it clear than raining or snowing under foot or under tire.”<sup>28</sup>

On January 29, the first police officer testified against Rick. A 17-year veteran of the Lancaster city police department, Edward Snyder took the stand to recall the events of August 12, 1975. He was working with Crump in the detective division when James Burkey called in with a complaint.

“Mr. Burkey referred to something that had happened to his younger brother and asked that he see some police officers. So, Detective Crump and I went to the Burkey home on Frederick street, where we talked to James Burkey as well as his younger brother Kevin, and another lad, a friend of Kevin’s, Randy.”<sup>29</sup>

Snyder said, “Detective Crump and I put Kevin into the police car and took him to the area of the 300 Block of Nevin Street, to a garage that Kevin pointed out to us as being one in which he and Mr. Haefner had been—”

Heinly was earning his keep with Sergeant Snyder. He quickly interrupted, objecting to the previous question about Snyder and Crump taking Kevin to the garage as hearsay, the second or third objection in Snyder’s testimony thus far in an attempt to shake him up. The objection was sustained and Snyder began describing the garages. He then described approaching Rick for the first time.

“On the 15th of the month, we proceeded to the residence ... of Mr. Haefner, where we spoke to him. He had been out in another garage across the alley from his house, doing some work, and we made contact. No, I’m sorry, he was in his home when we went there.... He was on the second floor of his home.”<sup>30</sup> Snyder also believed his home was on the 300 block of Nevin Street, but it was not.

“His mother was in an extremely distressed state of mind,” Snyder told the court, to another objection by Heinly. The testimony was stricken from the record.<sup>31</sup> Snyder accompanied Crump and Haefner to the police station, where he and Crump took Haefner “directly back to the Detective Division,

and Detective Crump, in my presence, advised Mr. Haefner of his legal rights under the Miranda Warnings.”<sup>32</sup>

According to Snyder, Haefner admitted, after he was advised of his rights, “he did, in fact, recall the incident where he and Kevin were in the garage in question here, and on that occasion, he began to massage Kevin about the neck and shoulders, eventually going below the waistline, having Kevin’s trousers down, massaging him with a powder, I believe it was Bismoline Powder, and ... rubbing his own face in the area of Kevin’s privates. While, he did admit that during this procedure, his mouth may have come into contact with Kevin’s penis.”<sup>33</sup>

Appel called for a break to attend an orphan’s court hearing immediately upon the termination of Snyder’s testimony, which did not allow Heinly the chance for an immediate cross-examination. When they returned, Heinly began to question Snyder about what exactly they had taken down in writing regarding Rick’s “confession” as well as the circumstances under which it was obtained.

Snyder testified he was in and out of the room during an approximately eight-hour period of questioning and he “didn’t recall” taking any notes prior to filing his report. He denied a “Jekyll and Hyde approach,” stating that the police use the tag-team interview technique because some suspects respond better to one officer than the other and they may talk more freely. Heinly produced a two-page document that Snyder identified as a copy of his report from the 15th. Out of these two pages, the only reference to Haefner’s statements was “he admitted he had at one time massaged Kevin while he was in the garage, even below the waist, but did not admit to oral sex with him.”<sup>34</sup>

Snyder also admitted they never went inside the garage or procured a search warrant. “To the best of my recollection, I recall the door was down.” When pressed as to whether it was an overhead door, he could not recall that either—simply that it was closed.<sup>35</sup> Randy accompanied him on the trip to the garage.

So the police had taken two underage witnesses, together, in a car to look at the area where the garage was—without even getting out of the car, or driving down the center of the U-shaped structure to more closely examine the surroundings or even make sure that they identified the correct garage! Snyder also admitted he never returned for any further examination of the garages at a later date.

After further discussion of how the detectives used a soundproof room near the evidence room at the police station to interrogate Haefner, Snyder admitted they had not taken a written statement from Haefner. Heinly also pointed out that the entirety of Snyder's report of Kevin's testimony consisted of 28 words. Snyder was allowed to step down.<sup>36</sup>

\* \* \*

The next witness called was Detective Jerry Crump. With only six years on the force, and four as a detective, he had only about a third of Snyder's total experience, yet he outranked Snyder and led the investigation. He explained the process by which they collected most of their evidence from the crime scene on August 12, 1975.

“Myself along with Sergeant Snyder and Kevin Burkey proceeded up Nevin Street and made a right turn.... We stopped midway where the opening of the inverted U would be, and the garage was pointed out ... the last garage or the next to last garage. My memory does not serve me correct. We did not spend much time at the garage, due to the information that Kevin Burkey gave me.”<sup>37</sup>

After visiting the Black Hole, Crump stated, “we proceeded to go back to the 200 block of Nevin Street, at which time the home of Richard Haefner was pointed out and also, a second garage that was supposedly owned by Mr. Haefner.” He then took Burkey home.<sup>38</sup>

His testimony here closely mirrors Snyder's, although there is no mention of Randy being present—a crucial difference from Snyder's testimony shortly before and a deviation from the official version of events which could have influenced the statements Kevin made to the police. After their

scouting trip on the 12th, the officers went to visit Haefner personally on August 15.

“I told Mr. Haefner that I wanted to interview him, to talk to him about some incidents that had been reported to me, and I told him we could talk at either the home or the police station.... He stated that he would prefer to talk to me in the police station, rather than at the home, due to his mother being upset.”<sup>39</sup> They walked him across the alley, allowed him to lock up the rock shop, and took him in a police car, Unit 17, to the station.<sup>40</sup>

Haefner was read his rights, according to Crump, immediately upon their arrival at the station. He gave his age as 30, although he was actually 32. At that point, Crump began to question him about his relationship with Kevin.

“He stated that he knew Kevin Burkey, and that he had employed Kevin Burkey for a short period of time in the summer of '75. He stated that he employed him along with other people, he was one of a number of employees, that Kevin had assisted him in the breaking up or placing of rocks to be sold to different schools.... I stated that Kevin Burkey had relayed information to me that Mr. Haefner in the garage rented or owned by Mr. Haefner, just off the 300 Block of Nevin Street, had touched him, indecently below the waist and had committed sodomy with the boy.”<sup>41</sup>

Rick allegedly responded by admitting he “had touched the boy from behind on his shoulders, and that he did touch the boy’s privates after taking his pants down.... He referred to it as a massage, rather than the sex act, as I would normally think.”<sup>42</sup> He denied having oral sex with Kevin then, as he continued to do for the rest of the trial.

In the two or three hours Crump claimed the interview lasted, he mentioned Detective Jan Walters, along with Captain Walter Goeke, also interviewed Haefner—interesting, because Goeke was never mentioned in any of Rick’s later filings with the FBI. At this point, Rick revealed his own interesting notion of sodomy to the officer.

“Mr. Haefner stated to me that his own justification for sodomy was when he or anyone else, someone would be driving down the road, stopped and enticed a small youth into a car by the use of money or candy, and what he

did with Kevin Burkey was not in his own mind, sodomy. His massaging, his touching was not sodomy, in his own mind.”<sup>43</sup> Crump quickly disabused him of this notion: “I proceeded to read to him from the Crimes Code of Pennsylvania and the Involuntary Deviate Sexual Intercourse section ... which is sodomy in layman’s terms.”<sup>44</sup>

During his cross-examination, Heinly quickly discovered holes in Crump’s investigative procedure. He admitted he had not typed any report or notes, but he said Snyder had. The paper he handed to the court as evidence was actually the “arrest booking report,” which detailed “the time he [Haefner] was brought in, the time of arrival at the police station, how he got to the police station, who prosecuted him and his possessions as to when he was brought into the police station.”<sup>45</sup>

After questioning Crump in-depth about the exact charges and the wording of the state statutes, Heinly was able to get Crump to admit they never got a search warrant for the garage or even got out of the car to look at it. In his words, “We did go over to where the garage was pointed out, there was a white car that was, I was told, it was Mr. Haefner’s car. That’s why we did not get out, I did not get out of the car, that’s why, no, not much time was spent there, time for the garage to be pointed out to me.”<sup>46</sup>

He also remembered they did not spend much time at the garage next to Rick’s house looking for any observable evidence when they allowed him to lock up before they took him in for questioning. It would have been a perfect opportunity to spot a shaving kit or a pink and blue bottle of talcum powder. Crump stated, “I saw rocks, the normal fashion of rocks and then I saw finished polished rocks on the pieces I think of cardboard. They were separate and appeared to be working on the rocks. I do not recall seeing Bismoline Powder. I did not look for Bismoline powder.”<sup>47</sup>

Kenneff returned to ask one final question: Where was James Burkey, who made the initial phone call to police? Crump told him, “I have made efforts to locate James Burkey today. He has been present in the Court House on two prior occasions, one of being yesterday or the day before.... I was not able to locate him this morning.”<sup>48</sup>

\* \* \*

Jim Burkey was eventually located and gave his testimony—characterized by further attempts to discredit his character. He first heard of the alleged incident at the garage and called police while their mother was still at work. The defense brought up burglary and threats he made to the Haefners because Rick’s father yelled at and scared his brothers as they played in the street three years earlier.

According to neighbors who testified, he threatened to “beat the shit” out of George. Haefner and his wife simply returned to their house after the incident. The same neighbors claimed Jim was a “Jekyll and Hyde” and Kevin had a reputation of being “dishonest” when playing with other local boys. Aside from these issues, his testimony was consistent with what Kevin stated regarding how he told his brother of the molestation.

Other minor issues were brought up, including prank phone calls made to a local schoolteacher, Wilmer Dick, that had been traced back to Kevin.<sup>49</sup> All were minor and apparently cherry-picked in an attempt to paint Kevin as a raucous and troublemaking youth who was not trustworthy. In retrospect, this was a well-used play from a tired playbook, but one that had helped other cases before and would continue to do so. Richard Peters, from the jury box, considered the testimony of Kevin to be “very credible.”<sup>50</sup> Court adjourned at 1:25 in the afternoon.

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## CHAPTER 12

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### Hearsay

“Your Honor, I don’t understand the nicety in essence of legal argument comprising the protocols of legal proceedings such as this. I only know what the truth is, what happened, what did not happen, and I want an opportunity to present my defense.”—Rick Haefner

“This [Kevin’s] pay also included the fringe benefits, things like watermelon, lunches, and things like that.”—Rick Haefner

The 30th found the defense calling witnesses it hoped would discredit Kevin. Terry Hess, the employee at the Electrolux store downtown where Kevin sometimes stopped to get a glass of water on a hot day, spoke about hearing about the molestation from Kevin. Hess lived a few doors down from Rick, but stated he was not friendly with the Haefners, and when he heard of the molestation he told another friend of his, but not Kevin’s mother or brother.

Next was Robert Freiler, a 15-year-old boy whose older brother also worked for Rick. He stated Rick, Rick’s parents, Chris “Bumper” Haefner, Doc Price, and his own father spent a number of evenings carefully rehearsing their testimony for the trial, most recently the night before it began. He was allowed to refer to notes he made at these sessions during his testimony.<sup>1</sup>

Bumper Haefner then took the stand. Bumper was Rick’s cousin. Born Christopher Leon Haefner, he was sometimes referred to as Leon during the trial. He lived about five blocks from Rick but explained he sometimes made the round trip to go home for lunch. This meant it was possible on any given day he could have been absent for a period of time. Sometimes Ere served the boys lunch, other times they had to fend for themselves. On

Wednesday the 2nd, the day Kevin was allegedly molested, Bumper claimed to have gone home for lunch and was backed up by Freiler's testimony. One day, he said, he was gone until 2:15, having left his room "a mess" and being forced by his mom to clean it before returning for work.<sup>2</sup>

He testified at least five coaching meetings took place that he was a part of, the last as recently as the Wednesday evening before the trial began. The sessions were tape recorded and lasted around two hours each. Furthermore, he spent six hours at Heinly's office going over what to say. When asked by Kenneff if he "rehearsed" his testimony, he answered in the affirmative. He was questioned by Kenneff about whether he knew what an oath meant and about telling the truth. He responded that breaking an oath meant "you make a sin and break one of the Commandments." Kenneff asked who would punish him. "God," the boy answered.<sup>3</sup>

Ere Haefner's testimony was equally uninspiring, but it gives an idea of how she was as a mother. She testified Rick was "not ready to come to the garage" on the 30th when Kevin first reported for work, as he was still up "having his bath" when the boys arrived for work. The picture of the 32-year-old in the tub is almost too comical. She admitted to a hands-on role in the rock business, constantly checking the points and sharp edges of the samples to avoid slitting the bags they were packaged in because "if you do work for the Smithsonian, it had better be perfect."

"So you kind of end up like a fussy pain over there, back and forth every day?" Heinly asked.

"Well, I'm terribly fussy, the children don't even like it," she replied.<sup>4</sup>

She gave a different account of how they planned to fire Kevin, but he showed up the next day with Randy in tow and asked if he could help too. Even though she did not like him, Ere served him lunch that day, July 1. At this point, Kenneff informed the court Crump needed to leave to go to visit Courtroom 1, and he was excused. The testimony continued with a spirited exchange about some hamburgers the boys bought, which Ere said they told her "stunk," and her suggestion of an egg sandwich. "Both Kevin and Randy hollered yeah! So I made them an egg sandwich." Her testimony

continued regarding her dissatisfaction with Kevin, bank account discussions with Rick, and other mundane topics of daily life at the Haefner rock shop. She also told Rick to go buy gloves for the boys, as their old gloves were wearing out and she was afraid someone would get cut.

What transpired after Ere's testimony is perhaps one of the most fascinating aspects of the trial. Heinly asked permission to call a witness who had performed some psychological evaluation of Rick and could testify whether Rick "is a homosexual or has a homosexual orientation."<sup>5</sup> The testimony would need to be given out of order, as the expert was only available that day. A debate ensued, and finally Dr. Leonard Marlin Cohen was allowed to take the stand to give his opinions on Rick's mental health and how he might react to interrogation.

Dr. Cohen, a Harrisburg-based clinical psychologist and graduate of Lebanon Valley College, Penn State, and Temple, was licensed by the state to perform "psycho-diagnosis," his full-time job at the time. When asked what this meant, he replied, "It entails interviewing and the giving of standard psychological tests for measures to find out how a person is functioning ... [and] make a formal diagnosis."<sup>6</sup> He spent around eight hours over a period of three days in September and October interviewing and testing Haefner and felt he could provide insight on the inner workings of his mind.

When faced with a situation like the police interrogation, Cohen said, he initially found Rick would be "applicable and cooperative," but as time progressed, he would become "increasingly anxious and ... quite emotionally upset to the point of becoming confused and mixed-up. He would get things mixed-up and ... be quite emotionally distraught." Under cross, he explained that Rick had "superior intellectual endowments ... on my Wexler Adult Intelligence Scale, he's in a superior range which is commensurate with that, and he's of the upper five percent of the general population.... Capacity-wise and functioning." There was "nothing to suggest that he was out of touch with reality or that he was psychotic."<sup>7</sup> He also suggested that under a "Jekyll and Hyde" style of questioning, Rick may even become so confused he would make untrue statements to the police.

At sidebar, the lie detector must have come up, because Cohen became increasingly careful of his answers at one point. He reported Rick had become more and more nervous during the free-response portion of the Rorschach test, and “eight, nine, ten cards” in, he “starts to respond with uncontrolled emotion ... in his use of color responses which again, indicates that ... under stress, this man is going to become confused and is going to be emotionally labile.”<sup>8</sup> Labile, an interesting choice of words—meaning “of or characterized by emotions that are easily aroused or freely expressed, and that tend to alter quickly and spontaneously, emotionally unstable.” As Cohen left the stand, Kenneff asked to be able to call him again as a witness if necessary. He never did.

Rick’s father was next, discussing his job as a fire-insurance inspector and detailing the ins and outs of the rock business, the storage of large quantities of raw minerals at various garages, and financial information. He complained repeatedly Kevin was “uncooperative” and was once caught throwing prepared samples into the alley. He also accused Kevin of trying to steal a “ten-dollar” piece of quartz, fighting with Randy, and other minor issues. He also stated Rick would have had no reason to go to the other garage to bring rocks back during the week in question and the bags were too heavy for boys to carry or load anyway.

Another boy, a former employee, was called next to testify he sometimes went to the other garage with Rick, but things were laid out differently. He looked at evidence photos and claimed a sander was in a different position when he worked there. Very minor details, but enough to create doubt in a jury’s mind as to whether Kevin was lying.

He also testified Jim Burkey called Rick a “homosexual” once to Rick’s mother, in the summer of 1972, in a loud argument he heard going on outside as he sat in his living room with the windows open. The clear assertion was the Haefner-Burkey feud ran deep.

## CHAPTER 13

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### Riding in Cars with Boys

“As soon as we came back from, each night after we came back from riding around, we’d make notes.”

“Do you remember the specific dates you rode around with Kevin?”

“I could name a few for you.”—Steve Groff

After the witnesses called by the defense intended to discredit Kevin and paint him as an “untruthful person” finished testifying, Heinly called Steve Groff to the stand. Groff, at first glance, was an unusual choice for a character witness. A 17-year-old friend of Rick’s cousin, Joe Eckman, Groff told Heinly he attended McCaskey High School. He classified himself under oath as a “straight A” student who had never met or worked for Rick before being hired as a private detective to aid Rick’s defense.<sup>1</sup>

Groff explained he, Eckman, and another friend, Willie Bise, attempted to get the truth out of Kevin by riding around with him in Rick’s father’s car for the past three months, roughly since the preliminary hearings.

“We asked him about the things that were supposed to be done between himself and Rick,” the boy explained to Heinly.

“Prior to the past three months, did you know him [Kevin]?”

“No sir.”<sup>2</sup>

There was no great plan. The boys simply started looking out for Kevin during their travels and then attempted to befriend him with the offer of a car ride and teenage adventures.

“We asked him if he wanted to ride around, Kevin and his friends.” Together, they had “ridden around” about 15 times, and Groff had realized Kevin had several different versions of events he had presented to the police.

Specifically, on the evening of November 24, 1975, around 8 o’clock, while Groff and Burkey were alone in the car and the others were outside “messaging around,” Kevin told the following complete version of events to Groff: “He said, when he first explained to me how he got the job at Richard’s garage, he said one day they went up to the garage to get some rocks, up to the other garage.... It’s about half a block from Reynolds Junior High School in a little garage called the Black Hole, and he said that he went up there one day to get some rocks and that Richard had a small place cleared for him.... He ripped down his pants and pulled up his shirt and started rubbing his whiskers on his chest.”<sup>3</sup>

After this, Groff said, “[Rick] rubbed him down with Bismoline powder and then, he said, he blew him. And he also said that Richard had a small black shaving kit with shaving cream and stuff like that and he thought Richard had a razor blade in there.”<sup>4</sup>

Kevin was also confused, according to Groff, about the presence and type of a razor blade allegedly used to threaten him. “Sometimes he would say it was a razor blade, a small razor blade that you stick in a shaver, and other times he would say it was a straight razor.”<sup>5</sup>

The location of this razor changed position as well. “He’d say, ah, that when he was in the garage with Richard, he had the razor blade beside his leg, and then, other times he said he had it in his pocket, and the other time he said he had it in his little black shaving kit. And then, one time he didn’t have a razor blade at all, he just had a rock beside him, there was no razor blade at all mentioned that time, just a rock, he said it must have weighed about five to ten pounds.”<sup>6</sup>

Kevin wasn’t even entirely clear on where the assault occurred. “Most of the time, in fact every time except one, he said it was up at the Black Hole, about half a block from Reynolds and one other time he said it was at the

garage beside Richard's house."<sup>7</sup> The door was in three different positions. "One time he said the door was closed, but it wasn't locked. Another time he said the door was open about four inches. And one other time, he said the door was open a foot."<sup>8</sup>

Kevin gave a variety of accounts of the nature of the abuse, according to Groff. "At one point, he said that Richard had his dick in his mouth. Another time he said that Richard put part of his head of his dick in his mouth, and one other time, he said Richard put his balls in his mouth and went 'phhht,' like that." Two of the three scenarios, then, were sufficient to merit the charges, which required insertion, "however slight."<sup>9</sup>

The boys also talked about Kevin's interest in the case. "We had him in the car lots of times after the first two hearings, and often times he made fun of the lawyers and the judge and stuff like that, called Mr. Heinly a 'fagot,' and said he was going to come in the court with a red tag on his coat saying Kevin versus Richard Charles Homo Haefner. So he thought it was a joke."<sup>10</sup> Kevin also said, according to Groff, "that he wants to burn Richard, and that he said he hopes he wins the case."<sup>11</sup>

Blackmail opportunities were brought up. "Yeah, he ah, talked about blackmail issue for a hundred dollars ... talked about how he would do it and ah, what he'd use the money for, stuff like that." Kevin was also alleged to freely use the term "fagot" to disparage others when mad at them, including the other rock shop employees.<sup>12</sup>

During cross-examination, Kenneff first asked how Groff had made contact with Kevin, since he didn't know Rick.

"Who instructed you to go talk to Kevin?"

"Nobody instructed me to," Groff replied.

"You did this of your own volition?"

"Well, what do you mean by instructed? He didn't tell me—"

"Who asked you to contact him?"

“Rick did.”

“How did Richard contact you to pick you out to do this?”

“Well, he didn’t, a friend, his cousin Joe Eckman, came to me and asked if I would like to help and I said I would.” He stated he had not been paid or promised any kind of payment for these rides from Rick.<sup>13</sup>

Kenneff further questioned him about whether he could recall specific dates he rode with Kevin. Groff listed a number of dates, some as recently as ten days prior to the trial, but he could not remember them all. When he asked to go get his notes, Appel instructed Haefner, “There will be no communicating to the witness, sir.”

“May—”

“You, I saw you,” Appel responded.

“I’m sorry, sir,” Rick apologized. A handwritten note on the transcript says, “I am not sure the record is correct,” but we are left to wonder—what was Rick trying to say to Groff just then?<sup>14</sup>

Kenneff allowed Groff to retrieve his notes, then asked him to tell the court who was with him on November 18, 1975. On their November 18 ride, Groff said, Kevin (transcribed as Ken by the stenographer), Randy, a boy named Neil, and Willie Bise (transcribed incorrectly as Blise, another Mumma inaccuracy) were with him in the car, along with Dave Burkey and Joe Eckman.<sup>15</sup>

Kenneff asked to see the notes and began to question Groff as to who had typed them. “There were two of them—Patsy Hoover and Mrs. Dryden,” the boy replied. After Kenneff requested a few minutes to read the notes, things got ugly. Within moments, Appel excused the jury from the courtroom, stating: “The record will indicate that Steve Groff is in the court room, that the Defendant and Mr. Heinly are in the court room, and the Court inquires of the detective whether he has a Miranda Rights Card on his person.”

“I do, sir.” Detective Joseph Geesey was the court detective.

“I want you to listen to what I’m saying, Steve, and Mr. Haefner, and Mr. Heinly, under Section 5705 of the Criminal Code of Pennsylvania, it is provided that a person commits a misdemeanor of the second degree if he one, makes, sells, buys, makes use of, possesses, installs, or employs any electronic, mechanical, or other device for the purpose of eavesdropping or two: divulges or uses any information ... obtained by eavesdropping.”<sup>16</sup> Appel then read Steve Groff and the others their rights from the bench.

From the stand, Groff asked Heinly to represent him, and after some hesitation, Heinly agreed, stating his client wished to make no further statement. Not reflected in the record is the fact that while they were discussing who would represent Groff, Detective Geesey produced a search warrant and seized the transcripts and files, including Heinly’s briefcase. The record was stricken after Kenneff was not allowed to cross-examine the boy and court was hastily adjourned.

## CHAPTER 14

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### Denouement

“I was sure that if I just told them straightforward what they wanted to know without getting into this circular reasoning and trying to draw things out of me in this Alice in Wonderland Logic, if I’d just told them straightforward that no, I never, Kevin Burkey was never up there, that I never had him up there, I was sure that if I kept talking to them and telling them that, I would finally get through to them, they would understand that I was telling the truth.”—Rick Haefner, trial testimony

On Monday, February 2, Rick Haefner had his day in court. His defense and character witnesses were all scheduled for the morning, and he was scheduled for the afternoon. At the bench that morning, a strange exchange took place between counsels. Rick’s attorney, James Heinly, attempted to relieve himself of his position, which had become untenable. In his statement to Judge Appel, he said that as a result of what happened with Groff and how it affected who he could and could not call, he had a discussion with one of his law partners and determined there were “various accusations, various personal problems with regards to my client, that I feel personally should challenge the case on his funds.” He went on to state he didn’t feel he could productively function as Rick’s attorney any longer.<sup>1</sup>

Rick seemed as surprised as anyone, and an argument ensued as to whether he had been informed that Heinly wanted out. Haefner complained he had “fought false accusations for six months” and wanted to tell his side of what happened. He said he was blindsided by Heinly’s change of heart. Heinly retorted he had told Rick that morning of his intentions. Appel was having none of it, and he reiterated Groff’s testimony was not to be considered by the jury. Kenneff discussed the strain on Burkey if a mistrial or delay were

to take place. In the end, after Appel refused to give his permission for Heinly to step down, court was given a recess until 11 a.m.<sup>2</sup>

When court resumed, a parade of individuals, including a number of former teachers, Doc Price, and others, came first to testify as character witnesses for the defense. Most of their testimony consisted of the same yes or no answers as to whether Rick was of good character when they knew him. One colleague, Alec Barton, did break the mold, however, and elaborate that “as a scientist, I think it’s particularly important, our fraternity is very tough on one another in matters of untruthfulness. The fact that he holds the respect and regard, therefore of our profession, means that his honesty has never been questioned.” This, coming from someone who claimed to have known him since junior high and through his F&M days. Rick apparently was a master at compartmentalization.<sup>3</sup>

Another chance for the prosecution to call out the inconsistencies in Rick’s squeaky-clean façade came when Orville Snoke took the stand. Snoke, who was called as a character witness to testify on Rick’s behalf, was a retired teacher who claimed to have known Rick “for the last eighteen years,” since teaching him at Reynolds Middle School and even after as Rick became active in the community.

Snoke, in his 60s, explained under direct examination to Heinly, “He was a camp counselor for me for eight years in a day camp, Camp Optimist Day Camp.” He further alleged that there were “many, there are many [people in the community that know him] because of his, the nature of his activities, he was very active in—”<sup>4</sup>

Heinly cut him off. “Well, you do know many people who know him, do you?”

“I certainly do,” Snoke replied. “His reputation as far as I know is fine, wonderful.”

Kenneff approached the witness for cross-examination. “You said, you knew him as a camp counselor?”

“That’s correct.”

“Who ran that camp?”

“The camp was run by the Lancaster Recreation Association.”

“Is that the same as the Gray Y at Lancaster?”<sup>5</sup>

It was clear that Kenneff was driving at something specific—looking back, he was clearly seeking an opportunity to bring up the circumstances surrounding Rick’s exit from the Lancaster Recreation Association and possibly even earlier molestation incidents, specifically the YMCA incident from 1962, which Kenneff admitted he learned about prior to the trial. As Rick’s supervisor for eight years, Snoke, of all people, should have been aware of the unusual circumstances regarding Rick’s “extracurricular” activities at the Lancaster Recreation Center. Snoke was thus far nonplussed by the questioning. If indeed he was aware of anything, he wasn’t taking the bait.

“No, this is Camp Optimist Day Camp, co-sponsored by the Optimist Club and the Lancaster Recreation Association.”

“Will you tell me what you mean by a peaceful and law-abiding citizen, or peaceful and honest citizen?”

“A peaceful, law-abiding citizen?” Snoke seemed confused by the question.

“No, Mr. Heinly asked you if among the other people you know who know Mr. Haefner, what is his reputation for being a peaceful, honest citizen? Can you define peaceful and honest for me?”

“Well, my associations with Mr. Haefner—”

“No, I’m asking you, what do you mean by that term? What did you take the term, peaceful and honest citizen to encompass, what’s the definition of that term?”

Snoke responded with a repeat of his previous answer. “Definitely, from my knowledge, a very honest, sincere, law-abiding citizen.” Thwarted, Kenneff let him go. “I have no further questions.”<sup>6</sup>

A number of possibilities and questions present themselves here. Even now, 40 years after the fact, reading the testimony creates an anxious feeling—one is aware that Kenneff knew something he desperately wanted to tease out of the witness, but could not. The most obvious reason is Snoke honestly did not know why the young man had stopped volunteering or he was not allowed to continue—like the North Museum allegations, it may have been explained to him by even higher authorities as a “difference of opinions,” a voluntary separation, or other commitments, such an increased workload at school.

Another possibility is Snoke chose to ignore the rumors or even dismiss them like Doc Price did—no big deal, embarrassing but to be expected. Yet a third possibility is Snoke was coached or even coerced—George Haefner, Jr., recalled visiting him as one of the tasks he undertook during his brief return to Lancaster and involvement with the trial. And it may have been as simple as not being able to “flip” the witness on the stand. Regardless of the reason, the moment was lost. Several other defense character witnesses took the stand in quick succession. Rick may have breathed a sigh of relief Kenneff had not pushed Snoke harder for a definition of “law-abiding.”

More defense witnesses were called and presented the same type of testimony. Even Doc Price was left mostly alone by the prosecution, with Kenneff having no questions for him on cross-examination. Then George Haefner, Sr., was recalled to the stand. Again, he went over the construction, layout and position of the garage at the Black Hole. Interestingly, he described the doors as standard, barn-style doors, not a roll-up door “like a car would go in,” as Kevin did. Were they talking about the same garage?

He was asked to look at more pictures of the contents of the garage and to try to remember certain dates and shipments, which he admitted he could not. His testimony overall leaves the impression of a generally uninvolved individual. When asked about the business records, for example, he replied, “I left that up to my wife, she normally did, and my son, Richard, normally filled the orders.”<sup>7</sup> He could not even recall any of the brainstorming sessions he was said to be involved in prior to the trial.

He also revealed none of the local law enforcement agencies had made any requests for any of the business records regarding the large order for the Smithsonian being prepared during the week in question. Further, he “never saw a policeman there after he came back from Erie on business.”<sup>8</sup> With no further questions from either side, he was allowed to step down.

From his spot at the defense counsel table across the room from the jury, Rick had listened carefully for the past several days as testimony both for and against him was presented. Now it was time for him to take the stand. As he was sworn in, he must have felt as though all of this would soon be resolved in his favor. All of the “Mutt and Jeff” tactics and “Alice in Wonderland logic” the police could muster were now in the past, consigned to the illegible shorthand of the court reporter. They surely could not outwit Dr. Haefner.

\* \* \*

“State your full name, please.”

“Richard Charles Haefner.”

“Where do you presently reside?”

“At the moment?”

“Yes.”

“217 Nevin Street in Lancaster.”

“Do you recall the week of June 30th, 1975 to July 4th, 1975?”

“Yes sir, I do.”

“How is it you recall that week?”

“Because we spent a lot of time reconstructing every event and every moment of this week.”

“Will you explain to us how you went about reconstructing this week?”

“Precisely, we went this way.”

\* \* \*

With this exchange with Judge Appel, Rick at last entered into his own defense, attempting to finally tell his version of events regarding the events of that week as well as attempting to explain to the court exactly what happened at the rock shop and why he was engaged in this business with boys and rocks anyway. He always had a need to explain—it came through in many aspects of his life, and almost anyone who had any interaction with him remembered that aspect of his personality. The question was, would the jury find him credible?

“I began this reconstruction ... shortly after I was confronted with these accusations. I ran through my own mind how one would go through a monumental task of piecing together every minute of some obscure week when nothing of particular consequence happened,” Rick told the court. “So I began this in my own mind, back in September.”<sup>9</sup>

As previously discussed by Bumper Haefner and others, Rick reiterated he had engaged the help of his mother, father, Bob Freiler, and Bumper to help him with his reconstruction. “We really had three small groups to work on this, group number one was: Bob Freiler, Jr., my mother and me. We sat on a Saturday afternoon in our living room and just started discussing among ourselves any random thing that we could remember that had happened.” They taped the conversation for evidentiary purposes.<sup>10</sup>

“The second discussion took place between me and Bumper, Bumper Haefner, my cousin. And the third group really consisted of my father. He wrote down, jotted down notes of things that he remembered doing during the week. So now we had given a time frame from our written records, just a skeleton, we had three groups, which tried to remember little bits and pieces of things that happened during that week, three essentially independent groups. And then, we compared the recollections of our three separate discussions or three groups, to see how they dovetailed.” Rick painted a rather exact picture of how the process began, certainly a bit more detailed than Freiler or Bumper had during their testimony.<sup>11</sup>

“We took these reconstructions back, each person sat down, went over it to find anything that he could think was incorrect about that reconstruction. And then, we put the whole thing together, finally, and we had one reconstruction of events.” Rick sat back in the chair, and Heinly handed him photos to identify. Apparently, the first was of one of their “remote storage garages,” the one known as the Black Hole. According to Rick, “[he] had no occasion to visit it during the last week in June and the first week in July.”<sup>12</sup> As a matter of fact, he had not visited it in June at all, and he did not visit again until July 25.<sup>13</sup>

Here is a point of contention. Kevin had shown the police where the garage was and described it to some extent, although poorly and in a manner that confused it with another garage the Haefner family kept. How would he have known it was there if Rick never visited it with him? It is important to note the garage is not visible from the house on Nevin or the rock shop. A short car ride gets you there in less than five minutes, but to this day there is no identifying mark at all that indicates the presence of the garage in the alley. If the boy, a relatively new employee, had never been there, how did he know it was there and what it contained?

Rick continued by discussing some time cards, explaining Kevin and Bumper were hourly, and Randy and Bob were paid by piecework—the weight of rocks cracked in a bucket every hour. Some receipts and other items were entered in to evidence as well as a postcard from the Mid-Hudson Gem and Mineral Society, regarding an event Rick was hosting on the 12th of July, and some bank account books from the First National Bank of Strasburg, which he purported showed various deposits and withdrawals made the week in question, further proving his version of his whereabouts.

Rick was then asked to recall July 30. “This was the first day that Kevin worked for us.... My mother called me in the morning, and I was still upstairs in the bathroom, and she said ‘Rick, Kevin and Bumper are downstairs here, ready for work.’ This was about 9:45 in the morning.” Rick thought back. “Bob Freiler was ill this day and did not show up.”<sup>14</sup> He discussed his practice of meeting the boys at the clock in the garage to write down their agreed starting time before beginning work each day.

At 10 that morning, the boys began work on the rock and mineral card sets. “This is a collection of six stones on a card about yeah big, which is put into a cellophane bag and has a top stapled on it. This was part of the order for the Smithsonian that we were so busily preparing,” Rick stated.<sup>15</sup> He and the boys ate together inside that day and “at noon, or perhaps a few minutes before noon, [Dad] came home.” After working on his reports, George Sr. headed to the shop to help with the complicated mineral boxes the boys couldn’t handle.

“His office has a window which faces our garage, see the garage has sliding doors, and in the summertime, we open the doors up the whole way. And the whole garage faces my parents’ house, across the alley and the living room window is directly opposite, the kitchen window is diagonally opposite, and the upstairs windows, such as my father’s office are opposite that.”<sup>16</sup> Rick claimed someone was watching the boys at all times during the day, so there was no opportunity for molestation—at least, not in the Nevin Street work garage.

His description of the following day was similarly mundane, with the addition of complaints about Kevin. “I had observed that Kevin’s behavior was not what I had expected it to be during Monday,” he stated. “He did not do things that were asked of him. He seemed to get hurt very easily.... If I asked him to help us ... put these cards in the bags and he didn’t want to do that, he wanted to sweep the floor.”<sup>17</sup> Rick also complained he had “not once ever seen him smile ... [even] as a child.” Rick claimed to have spent much of the morning in the house, correcting term papers from a recent field trip with a class he had taught in Charleston and along with a group of Penn State students.<sup>18</sup>

Furthermore, he said, “I also had to take care of a problem that came up with a company that I was doing some consulting work for. They were trying to reopen a quarry and had some difficulty obtaining a permit from the state in order to reopen this quarry. So, I was busy working on this problem.”<sup>19</sup> A large part of Rick’s defense strategy appeared to be padding his resume for the jury, and Appel noticed. One activity that day was preparing for a lecture on the “old mines of Lancaster County.” He noted

this in particular because Doc Price asked him to give this lecture: “If I don’t do what Doc says, why he gives me forty kinds of hell.”<sup>20</sup>

Wednesday morning, all of the boys reported for work. Rick recalled it “was a hot day, and the kids can’t work that long [doing] work like that, they’d get a little bored with what they’re doing. So this day I took all four of them out to Good’s Ice Cream Barn to buy them an ice cream cone. Somehow, Bump had done something, back according to this, back on Monday, June the 30th, where I owed him one ICDD and Bumper reminded me that this was ‘one ice cream cone, double dip.’ So I took all four boys out to Good’s Ice Cream Barn to buy them ice cream cones or dishes.” Trouble soon began. “We were all sitting around the same table, and the boys were just chatting among themselves. And I very distinctly recall Kevin, just out of the clear blue sky, saying something about he and his brother were approached or molested by a queer at the railroad station. And my mouth just dropped ... he tried to draw all the other boys into a conversation about this general topic, and I tried my very best to switch Kevin off this topic.”<sup>21</sup> He quickly returned home with the boys and got back to work.

That night, after the boys left, he explained, he and his parents discussed Kevin’s continued employment. “They had indicated to me, you know, when Kevin first came over that they were apprehensive about having Kevin around and I didn’t know it. And I said, well, see, I only recognized Kevin as a boy who used to live in our neighborhood, and the family had long since moved away. And I’ve been back and forth to Lancaster, you see, I work on this rock and mineral business when I get back to Lancaster.”<sup>22</sup> At this point, he caught himself.

“I started this business, I know, I’m regressing, I’ll get back to the point—I started this business when I was fourteen years old, to work my way through school. I had decided even before that that I was going to Franklin and Marshall College and that I was going to become a geologist,” he rambled, ostensibly showing how important this all was to him.<sup>23</sup>

The family decided to release Kevin from his employment, Rick finally stated. Then the questioning moved on to the events of July 3. That

morning, Kevin had shown up, with his friend Randy in tow, asking for work for him. Rick had allowed both boys to stay. Rick went to purchase new gloves for the boys at the Army Navy store—“our volcanic glass, obsidian, might cut your hands like a broken milk bottle,” he told the court.<sup>24</sup> He produced receipts and showed he had paid for the gloves with a check. He took the boys to Speed’s sub shop, where Kevin had “thrown a tantrum” which continued with a backyard fight when they returned to Nevin Street.<sup>25</sup>

Rick was trying to kept the boys on task that week so they could complete a large order for the Bicentennial crowds at the Smithsonian. “We were hurrying,” he said, “we were trying to get as much of this order that we could so that we would have this delivery to take down.”<sup>26</sup> Kevin was not cooperating. “Throughout the afternoon, [Kevin] seemed to be extremely angry. I saw him pick up stones that had been cracked down to size, tumbled in our tumbler, dipped with lacquer, dried and prepared, ready to glue onto cards, I saw him take those stones ... and he threw them out into the alley and then, he’d laugh to himself.”<sup>27</sup> While Kevin may not have been an attentive employee, none of this was germane to the charges at hand.

After a few more questions, Heinly suggested a recess. Apparently, all the talk of food had gotten to Judge Appel. “Well, I probably shouldn’t say it, but all this testimony has reminded me that I’m hungry, so I will accept your suggestion, Mr. Heinly, and the Court will recess until 2:00 this afternoon.”<sup>28</sup>

\* \* \*

When court resumed, it was time for the prosecution to have a crack at the esteemed Dr. Haefner and his version of events—and for Judge Appel to crack down on his rambling style of answering questions. He did so immediately. “Mr. Haefner, before we resume, I think it’s rather obvious that the Court has permitted you to give your testimony as directly as you desire in a chronological way. I would suggest that where you go to digression, that would not pertain and have any probative value for the Jury ... you’re imposing that when you do that on the time of the twelve jurors

and the time of the Court. I don't want to limit you, but just please try to stick to the, what we're here for."<sup>29</sup>

"Yes sir," came the response. "I will try to keep it short and sweet."

Kenneff questioned Rick about August 15, 1975—the day of his arrest. As he began, Heinly offered the six and a half hours of recordings made of his testimony rehearsal sessions with his mother and father and the Freilers to the court as evidence. Kenneff objected and the matter was dropped. The tapes seem to have disappeared into the mist of history; they were never mentioned again. As he resumed, Rick remembered, "I came downstairs, and that's when I first saw Detective Crump and he had Detective Snyder with him. Detective Crump said he had a complaint about a boy, and he refused to say anything more about that." Rick professed ignorance, claiming, "I thought, perhaps, they had caught some boy breaking into one of our garages.... So I said, 'Well, we'll go over here in the garage and let's find out what you want.'"<sup>30</sup>

Crump requested Rick accompany him to the police station. In the car on the way there, Crump allegedly told him they should be able to bring him back no later than 1:30.<sup>31</sup> Instead, they took him into a conference room and read him his rights. Then they entered into their questioning about Kevin Burkey. At this point, Rick said, they still had not asked him anything about the charges—merely whether he had ever taken Burkey up to the U-shaped garage near Reynolds Middle School. He told them he had not, as he recalled.

Crump left and Snyder began questioning Rick about "sexual activities." This was the beginning of what the detectives called their "Jekyll and Hyde" approach. In two pages of trial transcript, Rick explained the detectives came and went, did not take any notes (Crump said, "I don't have to take notes" and Snyder "didn't want to take notes"), and did not allow him to take any notes.<sup>32</sup> Five digressive pages later, Rick had described essentially the same scenario he later told the FBI in 1980, which was detailed in an earlier chapter—and the retelling was surprisingly accurate, although he may have used his copy of the trial transcript when he spoke to

the FBI. He concluded by saying he was “scared and ... shocked that this happened inside the Lancaster City Police Station.”<sup>33</sup>

He explained the circumstances of meeting Detective Walters, studiously avoiding the purpose of the meeting as he had been instructed. He went on to deny everything, concisely and directly.

“Your question is, in that week, June 30th to July 4th, was I ever at the garage across from Reynolds School?”

“Right,” answered Kenneff.

“No, and I defy anyone to prove it.”

“Did you insert the penis of Kevin Burkey into your mouth?”

“Of course not.”

“Did you insert his balls into your mouth?”

“No.”

“Did you rub your whiskers on his belly?”

“No.”

“Were you ever in that garage with him, for any purpose, whatsoever, in your whole lifetime?”

“No, and I never told anyone about that crazy definition of sodomy, too, luring children into the car with candy.”

“Do you maintain you are absolutely innocent of these charges?”

“Of course, and I mean to tell you that I was mortified.”<sup>34</sup>

At that point, Rick testified about how the police tried to draw a confession out of him through “what I thought was a casual conversation about sex, new morality, and how some sexual activities which people used to think

were abnormal or bad, were now considered normal.”<sup>35</sup> He thought it odd, he said, and reiterated his religion was opposed to such things. Then they tried to talk to him about local pornographic bookstores, at which point he claims to have ignored them.

Kenneff began to more carefully feel around the issue of when Kevin had begun working for them and why. As Rick recalled, “He showed up over in our neighborhood the weekend before he started working for us. On that Friday, Mark, the boy who was in here, got a job over at Eby’s Pharmacy, he was getting two bucks an hour and we weren’t paying near that much, so we lost Mark to a better job.... I saw Kevin Burkey.... I was taking the garbage out or something like that ... then I recognized him as a boy who used to live in our neighborhood.”<sup>36</sup> After a short conversation, Rick hired him and asked him to start on Monday, June 30.

Randy was also discussed, the duration and nature of his employment at the rock shop, and then Kenneff asked Rick if he had ever met Detective Crump prior to August 15. “Not to my knowledge,” he replied.

“Then there’s no reason for Detective Crump to have a grudge against you?”

“I mean, Detective Crump’s zealousness in pursuing this investigation is his own business, I don’t know that.”<sup>37</sup>

He went on to state, under oath, “I don’t have any police record, I’ve never been arrested for anything before, in my life, here or in any other city.” Only the sympathy of a number of enablers and other well-intentioned but misguided people over the years had allowed this statement to remain true.

As Kenneff resumed questioning Rick, it was apparent that even Rick’s own defense attorney was becoming irritated with his verbose witness. Discussing whether police allowed him his phone call, Kenneff asked. “At any time, did you ask to make any phone calls?”

“I was just mortified as...”

“Just say, yes or no, please, and then if you want to explain why you did or why you did not, it’s all right,” Heinly shot back.

“I recall, did I call or did they call me? Yes, I called, I called because it was, I called my house because it was a Friday and Kathy was supposed to be coming up for the weekend from Washington, and I wanted to find out if she got there yet.”<sup>38</sup>

The questioning continued, prompting a scolding from Appel.

“Well Mr. Haefner, just a minute. It seems to me that you should by now recognize that when you are asked a question that can be answered, yes or no, as Mr. Heinly just pointed out to you, answer it yes or no, and then if you want to give your explanation, go ahead and give an explanation. It’s very simple, yes or no, explanation, right?”

“Yes, Your Honor.”

“Go ahead.”

“I’m sorry, I don’t know these procedures. I’ve never been in the courtroom before.”

“Well, I’m telling you,” Appel growled.<sup>39</sup>

From the jury box, juror Peters also noticed Rick’s seeming need to explain everything, and not in a positive way. Peters remembered, “The more he talked, the less innocent he seemed.”<sup>40</sup>

Kenneff then led Rick into an expertly laid trap—or perhaps Cohen was right when he suggested Haefner became “emotionally labile” in the face of prolonged questioning, prone to confusion and emotional outbursts. He asked if Rick made any complaints to Justice Lees about his time in police custody. Heinly instructed him to answer, and Rick stated he was told if he passed the lie detector test, he could go free. All hell broke loose.

Appel interrupted Kenneff’s cross-examination and a discussion arose at the bench. Heinly believed Rick had no other answer to the question and

Kenneff even offered to admit the lie detector results so the subject could be discussed, but Appel would not yield.<sup>41</sup> After the jury was removed and a heated discussion continued, Kenneff was allowed to proceed with his cross-examination, but Rick now faced contempt of court charges. The situation settled down, and after instructing the jury to disregard Haefner's outburst and striking it from the record, Appel allowed Kenneff to continue.

In all of the confusion, his next question was nearly forgotten. Flustered, he turned to Haefner.

"I'm not sure if I asked you the question or not, there's been so much in the interim."

"I'm not sure either."

"Well, shortly before Kevin Burkey started to work for you, did you have any conversation with Kevin Burkey at the Penn Central Railroad Station?"

"You asked me that question before, and my response was, I don't recall that. I ran into Kevin Burkey some place, and I don't recall where I ran into him."

Again, Kenneff seemed to be driving at something, as he had earlier with Orville Snoke, and again, the questioning led nowhere. Was he insinuating the story Kevin tried to tell at the ice-cream parlor about the "queer at the railroad station" was actually about Rick? Perhaps this was why Haefner was so anxious to change the subject that afternoon. Whatever testimony Kenneff had wanted to elicit, he was unable to, and he returned to questioning about Kevin's time cards and the boys' own activities at the rock shop on the day in question.

He had another chance at the line of questioning about the railroad station. After more talk of lunches, Speed's, and breaks, Kenneff reversed course, returning to the incident at Penn Central station.

"Let me see if I have this straight. We've had this testimony a couple of times. It's your testimony that at Good's, Kevin said something about being approached by a queer at the railway station, is that correct?"

“Yes, he talked about he or he and/or his brother being approached by a queer at the railroad station, and that this had happened last year or something, some long time ago, like last summer it was. And then, he tried to get the other boys to join in on this conversation.”

“Do you recall if all the boys were present?”

“All the boys meaning whom?”

“Randy, Bob, Bumper, and Kevin.”

“Yes, I don’t know for sure who heard this, but I know what I heard.”<sup>42</sup>

What was Kenneff getting at? The answer never became clear. Rick was unwavering in his testimony he had never approached Kevin at the railroad station, and Kenneff finally let the issue drop for good.

A few more character witnesses for Haefner materialized—some former classmates, a geologist with the Smithsonian from Silver Spring, Maryland, and others. Kenneff accepted the boilerplate responses from each: they had known Haefner for many years, he had an excellent reputation. It was time for Kenneff to play his trump card—Randy, Kevin’s co-worker and the boy whose charges were pending in a second trial, to take place after what Kenneff believed would be a positive resolution to the Burkey matter.

\* \* \*

To an extent, the prosecution’s case hinged on the introduction of Randy’s testimony. Randy was called as a rebuttal witness to Haefner’s carefully-rehearsed testimony. Fourteen when the molestation occurred, and having reported it only a day after it had allegedly taken place, Randy was viewed as a more believable and thus a more unimpeachable witness. He had none of the baggage surrounding his own behavior or his relationship with the Haefner family the defense had focused on when Kevin had testified, and he could contradict the testimony of the Haefners and Bumper by relating his own recollection of that week. Ostensibly, he was intended to be an impartial witness.

During his opening statement as Randy was introduced, Kenneff claimed Randy would testify that “on Wednesday, which is July 2nd, he was working for Richard Haefner, that shortly prior to lunch time, he observed the Defendant and Kevin leave the garage in the 200 block of Nevin Street and that when he quit for lunch, Kevin was not around, nor was Mr. Haefner, that he asked Bumper Haefner and Bob Freiler where he could go for lunch, that he accompanied both those boys to Speed’s, that Bob Freiler continued home and that he and Bumper purchased lunch at Speed’s and that he went back to Haefner’s and he saw Kevin there and that he does not know what Kevin did have for lunch that day.”<sup>43</sup>

Heinly immediately objected, stating Randy was being improperly used as a rebuttal witness because he had been listed differently and not called earlier to testify. Essentially, the Commonwealth was using a “Hail Mary” defense, attempting to counter what was obviously a well-planned if not entirely true recounting of the events of that week. Appel refused the objection and Randy began to be questioned.<sup>44</sup>

Kenneff asked him about the job and how long he was employed there, then about his recollection of going to Speed’s Steak Shop. Randy remembered it, but he couldn’t recall what date it was—only that it was a Thursday or Friday. Kenneff then entered the crucial part of his questioning.

“When you quit for lunch [at noon], do you know where Kevin Burkey was?”

“Yeah, he went up to the other garage with Richard, and they were going to get some rocks.”

“When you say, the other garage, what garage do you mean?”

“Some Black Hole, I forget the name of it.”

He remembered going to lunch. “Me and some kid, Bumper, went up to Speed’s to get something to eat, and this other kid went over to his house and ate.” He couldn’t remember the name of the “other kid.” Randy told Kenneff Richard suggested Speed’s, and when he returned from the restaurant with his food, he ate either inside Haefners’ house or in the

Haefners' back yard.<sup>45</sup> Bumper ate with him. Ten or fifteen minutes after their return from the restaurant, Kevin came back.

"What was Kevin doing when he came back?"

"I don't know, I forget, he was probably doing his job, I don't know. He was just sitting there watching TV."<sup>46</sup>

As Kenneff handed the witness off to Heinly, it appeared as though his testimony was less definitive than anticipated. Randy forgot much about the very day he was supposed to testify explicitly about. Heinly began his cross-examination and Randy became more adamant about the differences in the day's events.

"You know, don't you, that's not the same recollection that Bumper had, don't you?"

"I don't really know."

"Bumper said that you and Kevin went up [to lunch]."

"No, he never went up there."

"Do you know that?"

"He never went up there."

"No, I'm saying Bumper said you and Kevin went up to Speed's."

"No, he never went up there."

"Bumper never went up to Speed's?"

"He went up with me, but Kevin never did."<sup>47</sup>

Randy continued by explaining the circumstances of his recollection of that day. He told Heinly the first time he ever told anyone this was in court, that day.<sup>48</sup> He then described how he was summoned to court that morning.

“Where were you this morning?” Heinly asked.

“In my house, watching TV.”

“How did you get notified you were coming down here?”

“The cops came.”

“Which ones?”

“I don’t know, I wasn’t there, I was up at the store that time.”<sup>49</sup>

He received word to come to the courthouse and got there at 2:30 p.m. When he arrived, he claimed to have seen two individuals, “Jerry, and I forget his name,” the latter eventually ascertained to be Kenneff. Heinly then attempted to determine whether Randy’s testimony might have been coached.

“Is that the first time you’ve ever been asked, where you were, about Speed’s?”

“Yes.”

“The first time, ever?”

“Yes.”

“Didn’t they tell you it was a Wednesday, July 2nd?”

“They didn’t tell me no dates.”

“What makes you so sure it’s Thursday or Friday?”

“Because it was at the end of the week, that’s when Kevin got fired.”<sup>50</sup>

Heinly continued, making Randy review every lunch arrangement that had been made that week, and trying to ascertain whether the remainder of his recollections matched or differed from those of the other boys. Randy admitted he had done little to prepare for the testimony he gave outside of

occasionally talking with his friend Kevin, and he repeated his assertion he did not tell the police about what he just testified to regarding lunch at Speed's. He was allowed to step down.

His testimony was clear, but also problematic for the prosecution. His lack of definite recollection is the first problem. He was mostly unsure of the small facts that would tend to add validity to his version of events—names and dates in particular. He could not remember names of who he was with or when and where he had gone. Most interesting is the fact that he did not, in fact, deliver the definitive answer Kenneff said he would—by remembering the date as Thursday (the 3rd), or even Friday (when no one worked), Randy inadvertently created more confusion and conflict as to the events presented in Courtroom 4 over the preceding days. What was the real truth? At this point, the prosecution's case was so muddled, it would be hard for anyone to ascertain beyond a reasonable doubt.

Clearly, one boy was lying, or, at the very least, misremembering. Was it the methodically-coached "Bumper" Haefner, who had sat around the table at Rick's home and practiced being tape-recorded as he practiced his testimony? Was it the reticent Kevin, who seemed reluctant to relate what happened and confused as his version of events shifted from his having been "blown," to being fondled, or to even something less serious, like a massage? Did Rick attempt anal intercourse or not? Or was it Randy, who was supposed to deliver a clear and definite rebuttal to Bumper's testimony, but who later was alleged to have been bribed by Crump in the restroom mid-trial—told by the detective, "You know what you need to say, now go in there and say it."

For his part, Bumper told a Lancaster newspaper in October 2010 that "[Rick] needed to involve me so he asked me to testify on his behalf in a measure to throw the case out by turning the tables on the prosecution. He accused them of their giving their witnesses [sic] money in exchange for testimony. He had me go on the stand just to say that I saw them there (presumably at the rock shop that day)—which was true but it meant nothing. The real reason I testified was that he was afraid of what I had found out."<sup>51</sup> Randy has never spoken about his involvement, aside from a video deposition taken in 1988 which has degraded over the years almost to

the point it can't be watched. As he left the witness stand, Judge Appel admonished him to "get your jacket before you go out."<sup>52</sup>

Juror M. Richard Peters felt that he knew then who was telling the truth: "The boys were more credible," he related emphatically in an email. "I had a son the same age and I knew what boys are like. They would not have been willing to tell such private details if it were not true."<sup>53</sup> Now all that remained was convincing the other 11 jurors.

\* \* \*

"I take it, Detective, that all your testimony in this case, including this testimony, is given without the benefit of your ever having made a single note on this entire investigation?"

"A report was made, me, myself, and I was present during the interview, I listened and I remember what at that interview took place that day, Sir."—Crump answers Heinly during his cross-examination

Following the rebuttal testimony presented by Randy, Detective Crump was recalled to answer to the fantastic and provocative accusations made against him by Rick during his earlier testimony. After Crump was reminded that "the oath which was administered to you is applicable to the testimony you are about to give," Kenneff was allowed to begin a clarification of the state's case through the eyes of the arresting officer.

"Do you want me to go through the exact conversation I had with Kevin Burkey, or just the accusations that he informed me of?" Crump asked the attorney.

"The accusations that he informed you of."

"He stated that in the first week of July, that he and Richard Haefner had went to a garage, just off the 300 block of Nevin Street close to Reynolds School. In the garage, they got some rocks and placed [them] in the trunk of Richard Haefner's car. They walked back into the garage, and Richard Haefner approached him from behind with his hands on his shoulders, and he was guided to the floor. Richard Haefner then unzipped or lowered his

pants, and then pulled up his shirt and began to massage him. He stated that Richard Haefner then placed his mouth around his, all his penis.”

“What word did Kevin use that day?”

“He used the word, peter.”<sup>54</sup>

Kenneff asked him to clarify the way he had alleged he was treated at the police station. Could it be possible the police had put pressure on him, threatened him, or any of the types of techniques Haefner testified to?

“In no way, was he treated the way he stated from the stand today, Sir.... In most all respects, this was an informal interview, there was no pressure of any kind used against this man. I advised him of his Miranda Warnings as I have previously testified. There was another officer present, and we proceeded to ask Mr. Haefner about what happened over there. No pressure was used on him, no guns were in any room as procedure by the police department.”<sup>55</sup>

Crump explained Haefner would have been informed of the charges against him at his house had he not requested to go to the police station—contrary to Rick’s testimony.<sup>56</sup> Heinly, during his cross-examination, hammered Crump on Kevin’s inconsistencies throughout his various hearings regarding whether or not his penis, or any part of it, had been in Rick’s mouth. After reading the testimony he presented during the preliminary hearing back into the record, Crump conceded that Kevin had shown “no emotion” when he had denied the sex act during the preliminaries.<sup>57</sup>

Crump further admitted that, despite his assurances the room where Haefner had been interrogated was never to have weapons on the table while a prisoner was there, Heinly had in fact seen for himself this was untrue. Crump told Heinly, “The officers place their weapons in this room overnight, and if they’re bringing evidence out of the evidence room itself, they can have it in the room to be disposed of that day, or the following day.”<sup>58</sup>

“Was I at the police station on Friday?” Heinly asked.

“Yes, sir, you were.”

“Was I in the room?”

“Yes, sir, you were.”

“Wasn’t the room loaded with guns?”

“Yes, sir, they sure were.”

“And it’s your testimony that was there one day?”

“That testimony, that I said right now, that a prisoner would never be taken into that room with guns in it,” Crump backpedaled.

“That’s not my question, Officer. Is it your testimony that the guns and other weapons that were laying on the table when I was up at the police station on Friday afternoon, had only been there one day?”

“No, that’s not correct, they had been there.”

“They have been there for weeks, haven’t they? How long have they been there?”

“I can’t give you an approximate time, but it’s been more than one day and less than several weeks.”<sup>59</sup>

Having successfully addressed Crump’s truthfulness in at least one matter, Heiny allowed Crump to step down, at which time a further portion of the preliminary hearing transcript was read back to the jury, for background on some of what was discussed in the rebuttal.

Court adjourned for the day with Appel’s standard admonishment: “You’re not to discuss this case with each other, you’re not to permit anyone to discuss the case with you, and you’re not to discuss the case with anyone, you’re not to read anything in the newspaper, and you’re to listen to nothing on the news media pertaining to it. So, Court now rises until 9:00 tomorrow morning.”<sup>60</sup>

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# CHAPTER 15

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## The Trial Ends

On February 3, the trial wound to a finish that would take more than 12 hours to resolve. As the attorneys entered their final arguments, both sides waited anxiously for confirmation that they had been vindicated. The results could be life-changing for all involved.

A great disappointment is that nowhere in the official record is there any information about the closing statements, where both sides were free to express their feelings and summarize evidence in the case. As the trial drew to a close, it became apparent that there would be no easy answer to the question of guilt or innocence. After the jury left, they came back no fewer than three times to ask for various things they wanted to clarify or state they were close to a verdict. At one point, they wished to hear Crump and Snyder's testimony again, but Appel refused, stating, "The conduct of a trial requires that it is your recollection of the testimony which will be used in your deliberations."

The jury room in the old courthouse was, as Richard Peters recalled it, "gloomy. It seemed more like a place where you would deliberate over a hanging" than try to deliver a verdict.<sup>1</sup> Tensions were high as one juror held firm and the jury's request to hear Crump and Snyder testify again was denied. Peters remembered Appel well, even 40 years later: "He did a great job running the trial. He was like God—white hair, booming voice, tall and thin."<sup>2</sup> He certainly seemed in control of the courtroom throughout the process, regardless of how it was derailing now.

At 10:15 p.m., the tone had changed and the jurors admitted they would not reach a verdict. Juror M. Richard Peters recalled the hold-out was "an articulate, intelligent businessman who had been harassed by the police once when he had visited Lancaster. I thought he was being unrealistic, but

he would not change his verdict.”<sup>3</sup> Mr. Peters recalled his name was Mr. White, and he shared the belief Rick was “very irritating” but said, “We have to look past his personality; we can’t convict him of being irritating.”<sup>4</sup> In view of this holdout and his real-life example of specific prejudice, it was time for the prosecution to admit defeat.

Heinly later echoed Peters’ and White’s opinions about the irritation in Courtroom 4. “The trial was charged. The judge—Rick was a difficult client, and he was involved in his own defense, and the judge didn’t like that. It was an irritable-type trial. Rick irritated me. I’m sure I irritated him. Everybody was irritated.”<sup>5</sup>

\* \* \*

In his final remarks, Appel opined those present had learned the value of a jury during this Bicentennial year—he saw it “written all over your faces that you’ve given it real consideration”—and then thanked them.<sup>6</sup> Clearly the mistrial was not (as would be claimed by the courts in an attempt to seek a retrial) a hastily made decision which would have allowed the case to be retried under Pennsylvania law. This fact would form the basis of Rick’s appeal in regard to double jeopardy when the courts attempted to do so—the fact a mistrial was legitimate and not a hurried affair was a prime consideration.

It is clear the concerted efforts of Rick and his family were far superior to the prosecution’s. Freiler, the Haefners, Bumper, and Doc Price all worked together to refine and polish a sketchy account of preteen employees working under little adult supervision and with plenty of gaps that would have allowed for Kevin to be molested as he claimed. In contrast, the prosecution had a questionable “investigation,” minimal physical evidence, and merely the changing accounts of two young boys upon which to base a case beyond a reasonable doubt. Despite the fact that the jury was anxious to convict, one juror had held out. His reticence may have been the reason the jury requested to hear Crump and Snyder’s testimony again while deliberating.

Generic prejudice seems to have ruled over sound police work if this is the case. “We tried very hard not to be prejudiced,” Peters remembered.<sup>7</sup> Yet Rick’s crimes as described by the boys were so horrible, so inconceivable, someone had to be punished. Regardless of the amount of detail provided, a reasoned study of the facts of the trial show the scales of justice did not swing in favor of the prosecution—there was simply not enough solid police work done to overcome a unified family front replete with time cards, character witnesses, and the like.

Sadly, this is exactly what happens in many molestation trials. Boys with little family support, usually the children of single parents, and often with behavioral and other problems are excellent victims—they are easily discredited, and they are not often believed when they do come forward. Rick’s status as a Ph.D. and his mentoring of young boys would further discredit them—who would doubt him? It’s an old story and one that continues to play out in courtrooms to this day.

After the mistrial, Heinly remembered hearing exactly how the jury voted. “It was eleven guilty, one not guilty.” Although the case had not ended favorably (such as with a not guilty verdict indicating an exoneration), Heinly was pleased. “It’s a tough case and hung juries are not convictions. I was happy with the results.”<sup>8</sup> Rick’s mother was less pleased. When asked whether she was satisfied with the verdict, she responded: “Well, I don’t think that was up to me to make the decision whether I was satisfied with it or not. That’s just stuff they do.”<sup>9</sup>

## CHAPTER 16

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### Hess

“I know me, and I know my honesty, and I’ve done investigations on policemen before, and I’ve done confidential investigations. And I’m honest enough to do what is right for me. And there’s no one in this town or anyplace else who can make me do something wrong if I don’t want to do it. And I don’t want to do it.”—Detective Joseph Geesey

*February 2, 1976. Late afternoon.*

At around 4 p.m., the defense had rested, and the prosecution was about to call its rebuttal witness. Outside the courtroom, an interesting scene was unfolding. George Haefner, whose own disorderly conduct trial was scheduled to start the following day, had come to the courthouse so he could attend the final day of his brother’s proceedings. He remembered Kevin “came out of the courtroom and he was strutting, cocky. He came over to the—he came over to Richard’s teenagers that were standing there and I think there were some words said between—well, I know it was Kevin saying it, but I don’t know who it was really addressed to anymore. There was something said, ‘I think we nailed him now.’<sup>1</sup> And all of a sudden he looked around and the kids that were there were really not the ones that he pals around with, they were the ones that were out gathering the information for Richard. And he looked around, his face dropped and he took off to the stairs and he just ran right down the stairs.”<sup>2</sup>

Meanwhile, Terry Hess, the young man who served as a defense witness testifying about statements made against the Haefner family by Kevin’s brother, came out of the restroom. He walked over to George, obviously upset. “Terry Hess came to me concerned about something going on. He said ‘something is happening.’ Something is going on and he was very concerned.”<sup>3</sup> Just like that, he left. Milling around in the hallway was a

group of students who had the day off from school because of snow and decided to come see the trial. George decided to say something to them just as Hess tried to tell him what was on his mind.

“Terry mentioned that something was going on and I turned around to get the kids under control and he was gone. I saw movement coming out of the lavatory. Randy and—he was again identified to me at the trial, and Crump, and I subsequently saw Terry coming out of the bathroom and that is—at that point, Terry never came back to me and I never tried to find out what Terry meant.” Crump, Randy, and Terry hadn’t left together, George recalled. “They didn’t come out at the same time. They followed one another by a short interval. Ten, fifteen seconds later, somewhere right around there.”<sup>4</sup>

Other issues were more pressing than spotting a cop and a witness together. George Sr.’s heart began to give him trouble. “My father had an attack and I was trying to get a nurse or get a paramedic. A nurse came along. I tried to get a paramedic and this one policeman, court officer, came over and he ushered me away. I couldn’t attend to my father. He was down on the floor.”<sup>5</sup> George Jr. wanted to help his father, but he couldn’t.

“I was at his assistance trying to get him to take any medication that he might have and then a nurse, a court nurse, I am not sure what she was really, she said, ‘Oh, well, that is not very severe.’ And I said, ‘Well, I would like to have him at least taken care of and I would like to have him at least in the hospital. He is having terrible chest pains. He has trouble breathing.’ The officer walked over and [said] ‘this lady knows what she is doing.’”<sup>6</sup>

Eventually, George Sr. recovered and did not have to go to the hospital. Hess didn’t get to tell the family immediately what troubled him so upon leaving the restroom. Court was back in session. Witnesses and audience members began entering the courtroom.

\* \* \*

It was not until after Rick’s trial that Hess was able to relay the information about what he saw during the recess after the defense rested. While he was

in the restroom, Hess allegedly saw, through a crack in the stall wall that gave him a view of one of the mirrors mounted over the sinks, Randy and Detective Crump enter. The pair entered a stall, leaving the door open. Hess could hear Crump telling Randy something like “You know what you need to say, now get in there and do it.” Crump handed Randy some money. Hess remained in the stall as they left, then followed them out.

Heinly wasn't told about the exchange until several days later. Rick, his mother and father, and Doc Price went to Heinly's office with a sheet of paper purporting to be a statement by Terry Hess. Hess wasn't with them, and Heinly wasn't able to speak with him about the statement until the motion to quash hearing on March 10 and 11, 1976, when Hess took the stand. Oddly enough, Hess hadn't told the Haefners how much money was exchanged, but he testified in court an exact amount was given to Randy.<sup>7</sup>

The allegations were serious—an officer of the Lancaster Police Department bribing a witness to secure perjured testimony. Detective Joseph Geesey was ordered to investigate the situation and find out who was telling the truth. His notes on the case detail the progression of his investigation.

10/11 March 76. Hearing held before Judge Bucher, drew map.

29 March 1976. Received from Clerk of Courts transcript of hearing and copy of map.

15 March 1976. Checked restroom, photos taken, copy of map prior to this.

7 April 76. Bathroom with physics professor.

16 March 76. Talked to a Mr. Cyril Simonetti, prior employer of Hess, said he was not fired.

30th of March 76. Interviewed the parents of Randy with regards to actions of Randy on day of offense. Phone call from Jack Kenneff. Went to law library.

31 March 76. Mr. James Heinly esq. Interview with regard to court testimony in trial on day of testimony.

2 April 76. Interview Mr. Jack Kenneff with regard to trial. Where Detective Crump was when went for Randy and where he was and with who when came back into courtroom.

2nd April 76. Interview Ms. Patricia Way with regard to her being with Detective Jerry Crump in the hallway when Randy was brought into the courtroom. Crump went into the courtroom at this time.

3 April 76. Interview Randy. Denies this offense, tells about going to court that day. Matches the statements of Crump, Kenneff, and Way.

3 April 76. Interview Kevin. With Randy on the day of the alleged offense in the second floor law library. Didn't talk to Detective Crump.

6 April 76. Interviewed Judge Appel. Told about Randy being brought into courtroom to testify, never left until he was finished testifying. Detective Crump was also in courtroom.

\* \* \*

Geesey was no stranger to difficult investigations by the spring of 1976. He had entered the Lancaster police department as an unemployed 22-year-old hunting a job that would support his family, and he was sworn in on July 1, 1958. He was promoted to detective in 1966, after eight years of beating the streets as a patrolman. He has been a detective ever since.<sup>8</sup>

“I received basic training, detective training, and other assorted police training,” he testified later, during a videotaped deposition, conducted by Haefner himself for one of his civil cases. He claimed to have known nothing of Rick and his trial prior to being assigned the investigation into the perjury allegations. “I was not involved in his trial. I had other things to do.”<sup>9</sup>

“Basically, I learned that there had been a hearing in Lancaster City Court before a Judge. During that hearing, certain things were said by witnesses

that were in conflict. As a result of these conflicts, the indication was that somebody was not telling the truth. It was my understanding at that time that the judge wanted to find out what the truth was.” If Judge Bucher planned to find out the truth, Geesey was the man to uncover it. In his own words, “I conducted the investigation not knowing where, or to whom, it would lead me. I had no preconceived notions; I did not know where the chips would fall. That’s the way I conduct my investigations.”<sup>10</sup>

\* \* \*

One of the integral parts of Detective Geesey’s investigation involved determining whether Hess could physically have seen what he claimed to have seen in the restroom. Hess refused to speak to Geesey about what he testified to in court, so Geesey had only a hand-drawn map of the restroom on the date in question to conduct his investigation. He began by visiting the restroom.

“It was an old-time restroom, it had the tile and that type of situation such as the high ceilings,” he remembered. Portions of the courthouse had already begun to undergo much-needed renovations, and he wanted to make sure the bathroom was the same as it was at the time of Rick’s trial. He enlisted the help of the county engineer, the courthouse custodian, and the tipstaff from Courtroom 4, asking them about their recollections of the restroom and its layout.<sup>11</sup>

He brought in a police photographer to take photos, and he determined (by moving mirrors to check for dust and dirt and different shades of paint) the mirrors had not been repositioned since Rick’s trial. “I was satisfied that this mirror had not been changed, had not been moved, in my mind,” he remembered.<sup>12</sup> It was important these facts be checked, because the next part of his investigation would be much more technical and reliant upon the details of the scene.

“I knew what I was dealing with here was a physics question, so I asked around—I’m familiar with F&M—and I asked around who are the Physics professors at F&M who would—and somehow his name came to me from somebody, and I knew people at F&M and I contacted the professor and

asked him if he would meet with me and I would explain to him what I needed and what I would like to find out, and could he do the job.” Detective Geesey enlisted a professional to help. “I told him what I wanted to prove or disprove, and I said ‘Now, you tell me if this is possible.’”<sup>13</sup>

The F&M professor returned results indicating Hess wasn’t telling the truth—at least according to the map Hess made at trial. Geesey tested alternative possibilities, and he remembered that “there were places in the restroom where he could have stood and saw what he said he saw. I only went by what was testified to in the hearing. My belief at that time was that where he said he was standing, he could not have seen what he said he saw.”<sup>14</sup>

\* \* \*

Geesey interviewed Hess’s boss, Cyril Simonetti, at the Electrolux store in downtown Lancaster. Simonetti said Hess’s testimony during the trial that he had not been fired from his position there was truthful—he left for other reasons. Geesey then spoke with ADA Kenneff and a woman named Patricia Way who worked in the DA’s office on the first floor of the courthouse. Way allegedly was speaking with Kenneff and saw Crump enter the courtroom prior to the time Hess testified he saw him—meaning bribery would have been impossible.<sup>15</sup>

Geesey interviewed James Heinly, who also could not recall whether Crump was in the hall when alleged by Hess. Heinly did recall, however, Crump left the courtroom after the statement about the polygraph test and hadn’t returned.<sup>16</sup> This conflicted with statements made by Appel and others that Crump had been in the courtroom continuously. A window of opportunity was opening for the alleged bribery to have occurred.

During his interview with Randy and his parents, Geesey said they corroborated all of Randy’s testimony—namely, he was not given any money by Crump, and he was not in the restroom with Crump.<sup>17</sup>

In May 1976, as part of his perjury investigation, Geesey also interviewed a number of employees of the Lancaster County Prison in regard to their version of events that had taken place while Rick was incarcerated.

Unfortunately, the six sworn depositions taken by court reporter Rosalie Eannone have disappeared from the record.<sup>18</sup> Aside from Rick's testimony to the FBI, there is no alternative version of events during Rick's incarceration available today.<sup>19</sup>

During the final part of his investigation, Geesey also saw to it that Detective Walters polygraphed both Hess and Crump. Strangely enough, both passed the polygraph examination. Hess was offered the same deal Rick was allegedly offered—pass a polygraph, and we'll drop the charges. Neither Crump nor Hess was ever charged. To this day, Geesey maintains he conducted a fair and balanced investigation. "I conducted the investigation as I saw fit and to the best of my ability. If I did wrong, that's for somebody else to decide."<sup>20</sup>

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## CHAPTER 17

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### The Hole

Then he was taken to a cell without windows, known as “the hole.” In it there was only a toilet and no bed. The officer ordered a guard to run the toilet to overflowing; thus, there was water on the floor. As he closed the door, the officer told Haefner that he would be kept in there for thirty days.—FBI interview, 1980

Immediately following the conclusion of his trial Richard Haefner was handcuffed and taken out of the courtroom—off to serve 30 days in the Lancaster County Prison on contempt of court charges. The next day, he would be brought back to court for a hearing on the charges, but as of this moment, bail had been denied and Rick would be spending the night at the county lock-up.

The Lancaster County Prison is a piece of history all its own, designed in 1849 by architect John Haviland from Philadelphia. One of the few professional architects operating out of the city at that time, Haviland already had a number of building designs in his portfolio—including the massive Eastern State Penitentiary and the original Franklin Institute building in Philadelphia. Contracted to cost \$102,000 in 1849, and to take two years and six months to complete, it ended up over budget and cost \$110,000 at its completion. The first prisoners were moved into the prison on September 12, 1851.<sup>1</sup>



**The Lancaster County Prison, where Rick served part of his sentence after his contempt of court charge (author's collection).**

Located on East King Street in downtown Lancaster, the prison remains an imposing reminder of the Quaker concepts of penitence and repentance in the 1800s. Constructed of red Cocalico sandstone (quarried in Ephrata, Pennsylvania), the prison is a virtual copy of an existing castle in Lancashire, England, complete with crenellated ramparts and other medieval features. Lancaster County's website contains a PDF that describes the original design of the prison, which has been modernized a number of times over the years but remains basically intact today:

The front of the prison is 200 feet in length, castellated Norman in style and composed of four towers. There are two large circular towers in the center and one octagonal tower at each extreme. Between the circular towers is a curtain wall pierced by a gateway. Behind these towers are two others of square form. From the center of this group

risers a polygonal tower which serves as an air-shaft. The extreme height of this is 110 feet, while that of the circular and square towers is 50 feet. The wing walls are 22 feet. The area enclosed by the prison walls is in the form of an irregular hexagon with the extreme length from east to west being 500 feet and the depth from north to south 300 feet.

The radiating blocks introduced by Mr. Haviland, when completed were capable of containing 160 prisoners. There were 80 cells in two stories of 40 cells each. The cells on the ground floor had exercising areas attached 33 feet in length with an open iron railing at the end.

The prison contained its own gas works for the manufacture of the gas consumed in the institution. Each cell was equipped with a steel grate type door and also wood door which could be closed for isolation and punishment. The walls were approximately 18 inches thick.<sup>2</sup>

As mentioned before, little information remains regarding Rick's stay in the Lancaster County Prison. He was originally given 30 days, but his sentence was reduced to about 13 days, from February 5 to February 18, 1976. The prison has purged most records regarding his incarceration due to scheduled time-based purge procedures followed as a part of its records handling program. A visitor log and personal history report were retrieved by an Open Records Act request, but these revealed little. Therefore, we must rely mainly on Rick's description of what he experienced in his 1980 FBI interview.

As before, generic descriptors such as "the individual" have been used in place of redacted proper names for readability purposes.

Haefner recalled that he had been handcuffed in the courtroom and taken to the County prison. Haefner said he served about two weeks of the one-month sentence and paid the \$500 fine which after a protracted period was returned to him.

Haefner stated that he was in the Lancaster County Prison from February 5 through February 18, 1976. He was not permitted to make a phone call, but he was told that if he wrote out on a piece of paper,

someone else, presumably a guard, would make a call for him. He said that he had written out whom to call in Tucson, AZ, although he later understood no call had been made. As a result, Haefner said he lost his job at the Los Angeles County Museum of Natural History. As part of his position he was supposed to teach at the University of Southern California. When he failed to appear in Tucson to make an address, he was fired. During the first week he was not permitted to have any visitors. On his arrival at the prison, an officer started to interrogate him. They asked him his religious preference and wanted to know names and addresses of relatives. Haefner said he refused to answer these questions, since it appeared to him unnecessary.

The individual became infuriated at Haefner and told him he did not have any rights. He added something to the effect, we will teach you that you have no rights. He then made Haefner strip naked, and this was annoying to Haefner since he was forced to strip in a hallway entrance to the prison, where other people would be walking around. The officer gave him a jumpsuit which was too small and told him to make it fit anyway. Then he was taken to a cell without windows, known as "the hole." In it there was only a toilet and no bed. The officer ordered a guard to run the toilet to overflowing; thus, there was water on the floor. As he closed the door, the officer told Haefner that he would be kept in there for thirty days. It was the evening of the first day or on February 5, 1976 that Haefner realized he should be addressing an audience in Tucson, AZ, representing the Los Angeles County Museum of Natural History.

Five or six hours later, Haefner was taken out of the hole and told that if he did not answer questions that he would be sent back to the hole. The officer questioned him while holding his [Haefner's] wallet. The officer asked him questions about membership cards in organizations and other items from the wallet. Following this questioning, Haefner was taken to a cell and placed in isolation. He remained in the cell for the next five days, eating meals in the cell, still wearing the jumpsuit which was too small. Inside the cell there was no shower, only a toilet and there was also no washcloth, no soap and no towel. All he had was a blanket and a pillow and a slender mattress. In the two weeks

confined to the County jail, Haefner lost 15 pounds and became infested with lice. Also he caught influenza. Haefner has allergies and he was forbidden to use any medication for his allergies. After he was running a high fever and coughing, a doctor examined him. Haefner was asking to be sent to a hospital. The doctor told him that you have got to be dying before you go to a hospital.

While in confinement, Haefner stated that he witnessed numerous fights, adding the entire experience was degrading to him.”<sup>3</sup>

On a number of occasions, Rick’s mother and father went to visit him.<sup>4</sup> Initially, they weren’t allowed to see him, according to Ere. “Every morning—every time they had—we would call up and ‘When can you visit, when can you visit?’ They would tell us, and here was Dad and I. We were there every time and every time, and no, they wouldn’t let us in. They said ‘Oh, he didn’t see his doctor yet, didn’t see his doctor yet.’ That went on forever, and ever, and ever.”<sup>5</sup> For some reason, it seemed the prison officials were stonewalling the Haefner family. Eventually, Rick’s parents were allowed to see him, and the prison visitor’s log shows that he had other visitors—Doc Price, Mr. Freiler, and Kathy Kirchner, among others.<sup>6</sup>

Rick had serious problems of his own besides the conditions of his cell in the Lancaster County Prison and the alleged hardships his visitors encountered. Marion Stuart, creator of the endowed position he had been offered with the Los Angeles County Museum of Natural History, expected Rick to attend the Tucson Gem and Mineral show during the first two weeks of February 1976 to give a presentation and to return some museum blueprints he had been working on approving prior to beginning his new job. His mother knew this. Ere recalled, “He was supposed to work out there, and I had to take the work out to the prison for him to work on it, and he had to send in [when he] finished work on it.”<sup>7</sup>

Rick had asked for California to be notified he was tied up. “We knew that we had to let the museum know, that we would have to call there and let them know ... that he wouldn’t be out. They had to get the work that he was working on. I took the work out that he was supposed to do for them, and they had to know that work was supposed to be returned to them.”<sup>8</sup> Ere

remembered trying to communicate with her son while he was incarcerated was troublesome at best. “If you would know what the prison is like, you don’t just sit there and tell people whole big conversations. You are just lucky if you can say hello and hear their voice, because of the glass and the crazy dumb little telephones. I don’t think they do it that way anymore, but that’s the way they did it then.”<sup>9</sup>

Haefner elaborated on his prison experiences in a March 1980 article for the *Philadelphia Daily Bulletin* titled “Pitch Dark Cell Brought Despair.” It was obtained through the FBI FOIA request. “My request to be let free pending appeal was denied and I was handcuffed and taken out of the courtroom by a deputy sheriff. I was not allowed to speak with anyone.” When he arrived at the Lancaster County Prison, Haefner continued: “I was made to strip naked. They gave me a jumpsuit that didn’t fit and I was marched off to a place. It was a hole with no windows. There was nothing in there but a toilet and the guard flushed it over and over again until water leaked all over the floor ... I was in total darkness, except for a crack of light at the bottom of the door. I couldn’t find a dry spot to sit down. I thought I was suffocating. I was down on my hands and knees. I was crying, trying to grasp for air at the crack at the bottom of the door.”

Later, Haefner claimed, “I realized ... at that exact time I was supposed to be lecturing at the Academy of Natural Sciences in Philadelphia. They had a Chinese dinner planned and all. You know how they treat guest lecturers.”<sup>10</sup>

The allegations made in the article are remarkably consistent with what was described to the FBI, although it is important to note both interviews were likely conducted within the same general time period. There is one glaring error that raises questions that tend to impugn Rick’s general recollections. Rick told the FBI, as well as his mother, he was to be in Tucson giving a presentation. He told the *Bulletin* he was to be lecturing at the Academy of Natural Sciences in Philadelphia. Tucson and Philadelphia are nowhere close to each other, and one has to wonder: Was he misquoted? Was he changing his story for the newspapers in a play for sympathy? The facts about Tucson are unimpeachable; they are reduced to writing in any number of court documents. So where did Philadelphia originate?

Regardless of the inconsistencies in Rick's account (or perhaps because of them), the FBI chose to do nothing with the allegations of civil rights violations or conspiracy. Haefner became increasingly agitated by the FBI's failure to follow up with him after his initial interview, and he made this frustration known to the FBI through a series of letters. The final opinion of the FBI was entered into the file anonymously in a communication between the Washington and Philadelphia field offices: "It is believed that further contact with Haefner would be both counterproductive and unnecessary. Both in personal and telephonic contacts, Haefner has adopted an adversary position. Philadelphia recommends that no further action be taken in this matter and that no response be made to this letter of 3/3/81."<sup>11</sup>

Richard Haefner left the Lancaster County Prison on February 18, 1976, with his future irreparably altered. The next 30 years of his life would be spent involved in court cases and legal proceedings trying to rebuild his reputation and his good name. He would never work or teach professionally in the field of geology again. At the age of 32, everything he had worked for since high school was gone.

## CHAPTER 18

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### The Prosecution Rests

“It was one of the longest, lengthiest investigations I’ve ever done.”—  
Detective Jerry Crump

Nine attorneys worked for the Lancaster district attorney’s office when Rick’s case came to trial in January 1976. It was the third case of the term, and ADA John Kenneff had spent the entire week before Rick’s trial working on other trials. “I didn’t have an awful lot of exposure to the case or to the files,” he recalled years later. “I didn’t have any significant amount of time prior to review testimony.” He had no copies of the preliminary hearing and no way to review whether Kevin’s testimony at trial matched what he had alleged in the earlier court hearing.<sup>1</sup>

In the mid-1970s, the Lancaster district attorney’s office might be responsible for working 60 or 70 different cases per term of court. This could mean there might be 300–400 individual cases per year worked by only nine individuals. “With 99 percent of the cases to which I am assigned, I would not do a review of probable cause prior to an arrest,” said Kenneff.<sup>2</sup>

Because of the caseload, it was customary for the district attorney’s office to rely on police to generate probable cause and to deliver cases once that had been established. Typically, an assistant DA handled all of the matters cited against a particular individual, and, as a result, Kenneff handled all three of the complaints against Rick.

“I was told that Rick had not passed the polygraph.” ADA Kenneff remembered that fact clearly. “In a usual case, our information comes from the police prosecutor. Jerry Crump would have been my primary source of information prior to the trial.” He can’t recall talking to Detective Walters,

who administered the polygraph. “I wanted to use Walters, but Judge Appel ruled that I couldn’t.”<sup>3</sup>

Unable to use Walters as a witness, and relying on the information prosecuting detective Crump had provided, Kenneff pressed forward without following up on the specifics of the case. “I wasn’t assigned to this case until shortly prior to the preliminary hearing. I don’t recall doing any investigation of my own. Not unusual, it just isn’t feasible given the amount of cases we had back then and even now. It was a fairly straightforward case, what the police had presented me with.”<sup>4</sup>

Kenneff remembered the cases separately, as the preparation he had done in prosecuting them was mostly done independently on each individual accusation. In Kevin’s case, the fact Kevin had a juvenile court record was never brought to Kenneff’s attention, and therefore Kevin’s testimony was never considered anything but the exact truth by the prosecution.<sup>5</sup>

The police had very little to show in the way of physical or corroborative evidence. In Randy’s case, the only corroborative evidence anything had taken place was the fact Rick admitted the two went on a camping trip together. The only probable cause was Randy’s statement. In fact, the only evidence in either of the cases were the statements made by the two boys and Rick’s alleged oral confession at the police station.

The lack of a written statement of confession raised questions to ADA Kenneff, but he never followed up. “I obtained the understanding that Rick refused to sign a written confession.”<sup>6</sup> The alleged statement prepared by Detective Crump as part of the police report was enough in Kenneff’s mind to establish guilt. “As best I can recall, he admitted to some sort of sexual contact but did not say that the actual deviate conduct took place.” While Rick allegedly admitted to massaging Kevin, he never admitted to any acts involving Randy. “I’d say that the statement they took down didn’t surprise me. It minimized the actual contact while denying the actual sex act.” Kenneff didn’t find out about this statement until the preliminary hearing in Kevin’s case.<sup>7</sup>

Kenneff never considered the possibility Rick's alleged confession may have been fabricated or coerced by the police to bolster a weak case. "It just wasn't a very significant case," he remembered. According to him, there was no reason for the police to lie about what had taken place. In addition, "at some point during this investigation, other allegations of child molestation done by Rick were brought to my attention, and that buttressed my opinion that the kids were telling the truth."<sup>8</sup>

Regardless of how he felt personally about the allegations against Rick, there were some considerations that were too glaring to ignore. Most of them dealt with exactly where the attack on Randy took place. "Prior to the hearing, it came to my attention that there was a problem with Randy's case because as best could be put down, the sex acts took place in Lebanon County." He requested the police attempt to determine where the campground where the trip started was located, but he was told the campground was never specifically located.<sup>9</sup>

"I recall some discussion of whether a charge of corruption could be upheld on the basis that contact started in Lancaster County but that it couldn't be established where the actual act took place. I determined that a charge of corruption might be able to establish jurisdiction. I felt that it was possible to establish jurisdiction for Crump to charge. I obviously didn't feel very strongly about it because Randy's case was never brought to trial." In the end, when the charges involving Randy were dropped on March 7, 1980, it became a moot point. "To the best of my recollection, it was never established whether the crime happened in Lancaster County or Lebanon County."<sup>10</sup>

Kenneff is sure he never encountered Rick prior to the trial, and he dismisses rumors he personally targeted Rick from the start. "I grew up in the west end of town and went to Sacred Heart," he remembered.<sup>11</sup> While he didn't know Rick personally before meeting him at the preliminary hearings in late 1975, Kenneff knew *of* Rick—quite a lot. "Things I heard about Rick's reputation were that he was a child molester. Mr. Haefner was well-known in the community for this type of activity." It was an impression he picked up from others who commented on Rick's propensity for spending time in the presence of young men. "Maybe this isn't

substantive, but every time you see Mr. Haefner he's with young boys. It certainly leads you to believe.... Often.... I shouldn't say every time."<sup>12</sup>

To this day, Kenneff remains convinced that he let a child molester slip through the cracks because the trial ended unsuccessfully. "I take responsibility for this—we should have been better prepared to investigate further and provide rebuttal witnesses. We could have developed rebuttal character witnesses. There were things mentioned prior to the trial—an incident at the Lancaster Recreation Commission and something that occurred with Boy Scouts of Sacred Heart. I remember a Father Paukovits who performed a counseling of Mr. Haefner as a result of some incident that had taken place with some Boy Scouts at Sacred Heart." The police had made Kenneff aware of these and other allegations.<sup>13</sup> Clearly, there were opportunities to produce witnesses who could have offset the testimony of Rick's numerous character witnesses, but for some reason no effort was taken to develop these witnesses.

Worse yet, after the trial, more victims came forward. "Subsequent to trial there were at least three to five contacts made to the DA by either parents or individuals who alleged that they were molested by Mr. Haefner. They all involved young boys being molested and I use the word 'molesting' in a broad sense."<sup>14</sup> Kenneff couldn't pin specific sexual acts on Rick in each case, as Rick had apparently been very cautious about exactly what he did with the boys he victimized.

"Information continued to pour in," Detective Crump remembered, "concerning the same type of behavior involving Rick with other people. I received information regarding Rick being associated with a local and a national operation ... as well as numerous individuals ... dating back to 1962 and 1965, stating that they would come forth and testify. I followed it up as best I could and for a long time afterwards." At least one incident, the solicitation allegation from 1962, had been in Lancaster's files all along. Crump obtained a number of search warrants and subpoenas to attempt to find out more information about these incidents. Although he wasn't sure what he was going to do with the information presented, "I was trying to get as much information about Rick as I could. I was trying to get the overall picture."<sup>15</sup>

One source from which information did not flow was Father Paukovits, who was suffering end-stage heart disease in a nursing home outside Gettysburg. He transferred to a church in Blue Ridge Summit in 1971, thus missing most of Rick's later drama as it unfolded. It is likely he was unaware of the charges against Rick, but it would have been interesting to know if he felt any regret for the choices he made all those years before.

At one point after Rick's arrest but prior to his trial, Crump received a call from a member of the Los Angeles County sheriff's office. The individual was looking for more information about a Richard or George Haefner—information such as date of birth, height, weight, and so on. Some incidents had been reported—either involving a single victim on a number of occasions, or a pair of victims on a single occasion—and the sheriff's office was eager to find out whether the suspect was the same one who had been arrested in Lancaster. Crump doesn't recall ever following up on it or hearing more about it, but he did remember the allegations of what had happened in Los Angeles were strikingly similar to the type of conduct alleged by the boys in Lancaster.<sup>16</sup>

And then there was the issue of the boys from the North Museum, which predated any of these allegations. To this day, a file exists in the archives of Franklin and Marshall College that is marked "Confidential." The contents are unknown, and as recently as October of 2017, an archivist confirmed its existence via email before breaking off correspondence.<sup>17</sup> The file may contain reports of Haefner's alleged North Museum incidents and activities (possibly predating the apocryphal 1962 report) that may have helped the police and prosecution with their case.

Regardless of the legal shortcomings of the prosecution, there is no doubt in Kenneff's mind the allegations were true. "I believe Randy's testimony," he said, years later. "I consider the whole police investigation a determination of what the truth was. I wanted the case decided that night, with that jury."<sup>18</sup>

Despite the fact this was not to be, Kenneff was not opposed to re-prosecuting the case, which at the time was completely normal—there was no prohibition against a carefully-considered mistrial as double jeopardy.

“At that juncture, I didn’t have any reason to believe that our case wasn’t sound, I had heard the jury voted 11–1 and I thought the case should be pressed.”<sup>19</sup>

A juror approached the assistant district attorney in the hallway as he was leaving the courtroom after the trial and informed him of how the vote had gone. Even though he didn’t bother to find out what the jury vote had been in every one of his cases, Kenneff recalled this time “I was curious, I was interested in finding out what the vote was. I’m not sure I’ve ever had another deadlocked jury.”<sup>20</sup> Kenneff informed Heinly how the vote had gone, then he and DA Eckman chose to move to re-prosecute based on Kenneff’s recommendation—bolstered by the allegations brought to light by trial publicity and the chance encounter with the juror in the hall.

Detective Jerry Crump quickly began to lay the groundwork for the re-prosecution. Whether he was shaken by his failure to prosecute what should have been an open-and-shut case and determined not to let it happen again, or whether he had been instructed to present more evidence by DA Eckman and ADA Kenneff based on their own decision to re-try the case, he had a subpoena produced for February 19, 1976, instructing Phil Bomberger of the Lancaster Recreation Commission to produce “any and all records pertaining to Richard Charles Haefner including employment, counselor, [and] investigative records” and have them delivered to him, care of the Lancaster City Police.<sup>21</sup>

Perhaps someone in power was finally going to pay attention to the rumors that had circulated for years. Bomberger should have been aware, at the very least, of Rick’s trip to Ocean City in 1965, and he also knew peripherally about the Boy Scouts allegations through Rick’s statements about Paukovits. Any one of these incidents could certainly provide a powerful rebuttal to Rick’s alleged religious and family prohibitions regarding such matters. Interestingly, the subpoena was authorized by Judge W. Hensel Brown—the same judge who handled the preliminary hearings in Rick’s case and was supposed to handle the trial before the surprise appointment of Judge Appel. He hadn’t signed it, so it may have been under an umbrella of authority, since he was president judge at the time. The

police received the documents, but it didn't matter in the end. Haefner had another card to play against the prosecution.

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# CHAPTER 19

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## Aftermath

“This is the biggest thing to happen here in a long time.”—Detective Jerry Crump

After the 1976 contempt hearing handled by attorney Ruggiano, an associate with the firm of Morgan, Haldeman, and Heinly who was present at the original trial, and the March motion to quash hearing handled by Heinly, Rick decided the only way justice would be done was if he brought in a big-city legal team to defeat the criminal charges and then counter them with civil lawsuits he planned to file claiming civil rights violations and false or malicious prosecution.

The team he selected was that of Richard Sprague, a former district attorney for the city of Philadelphia and an associate with the David Berger law firm. By 1976, Sprague had compiled a legal curriculum vitae that would impress nearly anyone familiar with the legal field.

Sprague was behind the 1965 prosecution of Jack Lopinson, a restaurateur and small-time loan shark who hired a mafia hitman to kill his wife and business partner and make it look like he was the victim. Sprague presided over the brutal seven-week case that culminated with a former associate of Lopinson's, Frank “Birdman” Phelan, admitting he was paid \$10,000 by Lopinson to kill the two and make it look like a botched robbery. Sprague asked for and got the death penalty, but it was later commuted to life in prison by the U.S. Supreme Court because of the exclusion of jurors who indicated they opposed the death penalty.<sup>1</sup>

Another of Sprague's claims to fame was his successful prosecution of the Joseph Yablonski murder. Yablonski, a western Pennsylvania candidate for the United Mine Workers union presidency, was killed on behalf of a rival

union member and candidate, Tony Boyle. Yablonski was assassinated by hit men who also killed his wife and daughter on the night of December 31, 1969. Sprague's work on this case led to the prosecution not only of the three hired killers, but also of Tony Boyle.<sup>2</sup> It was a watershed moment in western Pennsylvania criminal litigation.

After his dismissal from his position as first district attorney of Philadelphia in 1974, Sprague retired to private practice with the Berger firm and, according to newspaper reports, was making about "\$160,000 per year," hand-picking cases that involved "fundamental issues worth fighting for."<sup>3</sup> Haefner's case was one he believed in. Rick stiffed his first attorney out of the remainder of the money he was owed under the premise he needed money to pay Sprague's retainer. Rick did the same to Sprague's firm a few years later.<sup>4</sup>

In 1976, not long after he and his firm were retained by Haefner, Sprague was selected to serve as chief counsel and director of the House Select Committee on Assassinations, which investigated the murders of John F. Kennedy, Martin Luther King, Jr., and George Wallace. He claimed to have uncovered evidence that could have placed Lee Harvey Oswald in the company of a CIA agent just a few days before the murder of President Kennedy. The Warren Commission disagreed, and eventually Sprague was asked by the chairman of the Warren Commission to discontinue his investigation into the events surrounding Kennedy's death.<sup>5</sup>

"Shortly after the trial, Mr. Sprague was retained," recalled Mr. Heinly. "I didn't do anything more on it, other than meet with somebody from Mr. Sprague's office. Rick had shown up at Heinly's office and informed him that he was successful in getting Sprague to represent him. At that point, Heinly remembered, "there was still some balance owing on Rick's bill."<sup>6</sup> Rick asked to defer payment, and Heinly agreed, saying essentially, you're going to need it. He never received another dime of what Rick owed him.

\* \* \*

The law firm of Berger & Montague was still new in 1976, having been founded only six years prior by Berger, then a Philadelphia city solicitor. It

would become one of the top class action and civil litigation firms in the country, involved in everything from asbestos in schools to the Exxon Valdez disaster and the partial nuclear meltdown of Three Mile Island.<sup>7</sup> Sprague was already a star in a firm of rising legal brilliance. During his first meeting with Rick and his parents, Sprague remembered that Rick's mother Ere told him she was "praying" he would take Rick's case.<sup>8</sup>

Problems started almost as soon as Rick retained Sprague. Other members of the Berger law firm complained about Rick's intractability, his attitude, and his "difficult" nature. Still others felt he was a homosexual and quite probably guilty of the crimes he had been charged with. Some of the complaints made their way to Sprague himself, who dismissed them.

"People complained that he was somewhat of a fruitcake. Did they describe what fruit it was? No." He elaborated on what he meant by this statement: "People thought that there was something the matter with him; people thought that he was a homosexual; people thought that he had likely committed the offenses he was charged with." He never told Rick about these sentiments within the firm. "He had enough problems at that time."<sup>9</sup>

These matters meant little to a seasoned attorney like Richard Sprague. "I wasn't concerned whether people thought he was a homosexual or whether he had committed the crimes which he was accused of. It had nothing to do with my representation of him." He also found himself able to control Rick as a client and work with him effectively. "Most of my dealings with Rick... I myself never had any difficulty with him that prevented him from effective representation. I remember specifically telling him to keep in mind that I want him to stay calm, cool, collected, and so forth."<sup>10</sup> Handling the high-strung Haefner was paramount to success in the opinion of anyone who ever had a personal relationship with him.

Despite the private suspicions of members of the Berger firm, Rick vigorously denied any homosexual tendencies or inclinations to Sprague. "I remember in the process of discussing it with him that he was not a homosexual and that he had been engaged to some girl and that was to be used as evidence to show that he was a heterosexual and was interested in women." Sprague felt, perhaps, there was some bias on the part of his co-

workers who believed Rick to be guilty as well. “My guess is the people who may have thought he was a homosexual may be the people who said they thought he was guilty.”<sup>11</sup>

The biggest problem with the case, Sprague quickly found, revolved around the community’s perceptions of Rick and the crimes. First, the criminal matter had to be disposed of favorably before civil proceedings could be initiated. There was a risk of that not happening, however, and Sprague asked Rick for his total cooperation. “Recognizing by that time whether rightly or wrongly, the community sense against him, I wanted him to send me anything and everything” he had regarding the case and any potential information that could help his defense.<sup>12</sup>

\* \* \*

The announcement that Haefner had retained Richard Sprague made headlines in May of 1976. Unfortunately, the author of the article, which appeared in various newspapers up and down the East Coast, took some liberties with his description of Sprague’s view of the case. “I don’t believe I said that I took Rick’s case because of a ‘heavy presumption of innocence,’” Sprague recalled.<sup>13</sup> “His innocence or guilt has nothing to do with the question of representation for him or anybody else. The issue with an attorney representing him or anyone else is for the state to have the burden of proof and for nobody to be convicted unless they get due process and fair trial and the state is getting its burden of proof.”<sup>14</sup>

Why, then, did Sprague take the case of an accused child molester who had a burden of guilt and a mistrial already weighing against him? “One of the things that’s a criteria for me in taking a case is whether there are aspects of it that interest me as a lawyer,” he said.<sup>15</sup>

His reasoning involved his personal interest in the legal system. “One of the things that interested me very much in Rick’s case having nothing to do with innocence or guilt was the fact of his having been held in contempt during the first trial; for that judge to have imposed the sentence of imprisonment that he did. Secondly, the matter of law. I was very interested in the judge having declared a mistrial as quickly as he did in that case. I

was very interested as a lawyer with what had happened to him when he was put, as he said, into the jail there, into that ‘Black Hole.’ That’s what made me want to represent him—somebody who, regardless of anything else, was getting a bad deal with regards to a prosecution.”<sup>16</sup>

Privately, Sprague never made a determination about whether Rick had committed the crimes alleged against him. He remembered simply “I never could decide whether he was guilty or innocent. He told me he was innocent. That was good enough for me.”<sup>17</sup>

\* \* \*

One of the first moves in Sprague’s defense of Haefner was the hiring of a professional polygraph expert to determine the validity of the polygraph test administered by Jan Walters the night Rick was arrested. The answer came back quickly. “My recollection is ... whoever [our expert] was, was able to say that the way the test was run by the police was poor, meaningless.”<sup>18</sup>

Rick was polygraphed again by a Mr. Peirce, the professional hired by Sprague’s firm, and he passed. However, there were problems. “This is a hazy recollection.... My recollection is we tested him with regard to his denial of incidents with those boys. I have a vague recollection that the test results indicated some homosexual tendencies on Rick’s part,” Sprague remembered. Rick wanted to be retested yet again, to prove his stated innocence yet again. The polygraphist did not recommend it; he felt additional evidence of Rick’s perceived homosexual tendencies could hurt him in a court proceeding. Rick had passed other areas of the polygraph easily. He was never retested.<sup>19</sup>

\* \* \*

Rick wasn’t doing anything to help his image in the community. Reports got back to Sprague about angry confrontations in public between Rick and court reporters, police officers, and anyone who represented the Lancaster judicial system. Sprague tried to offer him advice: “He was losing sight of the forest for the trees. I believe I did have some talks with him ... concerning difficulties people were having with him.”<sup>20</sup>

“I thought there came a time when he was going out of his way trying to create difficulties for himself. Sort of an attitude of trying to dare the Lancaster Police to take action against him, it seems. I remember feeling and telling him on many occasions that he ought to get his own life straightened out ... in that instead of spending his whole life focusing on what had happened, that he ought to start trying to get work, ought to start trying to earn income, that he ought to be looking to the future instead of this fixation on the past.”<sup>21</sup>

Haefner had a penchant for taunting the police. He found ways during many of his daily outings to pass by the police station. “I have a recollection of his almost like picketing them.... Making it his business when he had to walk somewhere to always go by the station house as if he was saying ‘Here I am boys, what do you want to make of it?’ I have a recollection of him standing across the street from the station, almost taunting them at times. He was going to see whether or not they would do anything to him. I told him if they did, let me know.”<sup>22</sup>

Haefner told Sprague he wanted to fight back against them, he shouldn’t have to go out of his way to avoid the police station when he was on his way somewhere. As Sprague later pointed out, “I never felt that he should run, but I never felt he should go out of his way to kick.”<sup>23</sup>

Rick privately expressed concerns to Sprague about his inability to find work. “I felt that his loss of income was more of a result of his own mental frame of not really getting ahold of his own life, working to get income. I remember talking to him about doing more than just selling stones to the Smithsonian,” Sprague said later. “He kept saying ‘I can’t now, I have to focus on the criminal charges.’ It’s almost as though he wanted to keep scratching himself. He wanted to have everybody feel sympathetic for the position he was in instead of standing up like a man ... and yes, fighting it, it should be done.... But still trying to make something of his life.”<sup>24</sup>

Rick claimed he couldn’t find employment anywhere, despite an honest attempt, but Sprague never really believed in his efforts. “To an extent, the fact of being charged and awaiting trial harms someone. To that extent, it

makes it more difficult to get work. But I felt that there was not much attempt by him to overcome it.”<sup>25</sup>

To his attorney, Rick’s hope was always that he would receive some kind of mental or emotional victory once the criminal and civil proceedings were over. “I thought that prevailing in a civil suit would obtain two things for him, not necessarily getting his life straightened out. I thought it might give him the satisfaction of feeling that he had publicly shown how he was wronged by this ‘conspiracy’ in Lancaster County. I thought that to the extent that there was any recompense, whatever that was, it would give you some solace for what had occurred in the past, but neither of these would change the kind of person he was. Just winning doesn’t make you a man; somebody who will stand on his own two feet and who will become self-supportive and who will earn a good living.”<sup>26</sup>

Thomas Sprague, an attorney at Sprague and Sprague, was in his first year of college at the time. He remembered walking the neighborhoods of Lancaster working pro bono for his father, surveying residents as to their opinion on the case and the publicity it had received. It was determined Rick could receive a fair trial if the allegations against him in the molestation of Randy were pursued by the district attorney. Sprague’s team decided not to ask for a change of venue should a retrial be granted.<sup>27</sup>

There was nothing to worry about in regard to another trial, however. Sprague took his concerns to the Pennsylvania State Supreme Court, asking Justice Samuel J. Roberts to stay all further proceedings until the court could examine what was taking place in Lancaster. “I remember when I obtained a stay for him from the Supreme Court of PA after I flew out to Erie, PA. Justice Roberts was concerned about the contempt action that was taken against him. He felt the matter should be heard before the Supreme Court. He thought it was amazing that I would fly all the way from Philadelphia to Erie on behalf of a client to push to get that stay.”<sup>28</sup> The court determined that re-trying the case on Kevin’s testimony would constitute double jeopardy, and the matter was closed—and a precedent set in Pennsylvania law.

The district attorney's office, blocked from re-trying Haefner on Kevin's allegations, still hobbled by the fact it was unable to determine what county Randy's molestation had taken place in, and fresh off of its defeat in what it felt should have been an open-and-shut case in the prosecution of Kevin's molestation, chose to nolle pross, or drop, the charges in Randy's case due to insufficient evidence on March 7, 1980.

Two months later, in May of 1980, the perjury case against Terry Hess was finally, quietly dropped by the Lancaster district attorney's office after an unfavorable ruling by the Supreme Court of Pennsylvania. With no further molestation allegations to prosecute, prosecuting Hess must have seemed unnecessary, whether or not he had committed perjury. Hess was never formally tried for any part of his role in the Haefner trial. Hess himself, with Rick's assistance, later took the county and a number of other defendants to court regarding malicious prosecution by Crump and others.

In the end, Sprague remembered, "we were successful in getting Lancaster County to drop the prosecution of Mr. Hess. We were successful in having the cases against Rick thrown out. We were successful in getting Rick's record expunged."<sup>29</sup> These were the last legal successes Haefner would have in his cases. Future lawsuits—including a suit he filed against Sprague and his firm for "legal malpractice" due to a statute of limitations technicality blocking one of his many civil rights lawsuits—would all end in failure and dismissal.

\* \* \*

"Sprague did a very, very excellent job," remembered John Kenneff. "His reputation in back of Rick helped a lot. Mr. Sprague generated a lot of publicity for Rick. Mr. Haefner was really lucky that he got Mr. Sprague."<sup>30</sup> This publicity helped to ensure Rick never faced trial on the remaining charges related to his first trial. There were still many legal battles to fight, though, and Rick's attention turned toward clearing his now-tarnished reputation.

The direct result of Rick's arrest was the loss of the offer of employment at the Los Angeles County Museum of Natural History and the tenured professorship that accompanied it. He asked his brother George to intercede

on his behalf. “Richard asked me to talk to the people [at the museum] to see if they might be willing to reconsider him for employment. I spoke to two different individuals. One was the director of the museum, and one was the curator.”<sup>31</sup> Nothing ever came of it.

Marion Stuart, who had created the position for Rick, had gotten wind of Rick’s arrest on morals charges and pulled the offer. She warned a former classmate of Rick’s from Penn State, who was then working for the U.S. Geological Survey, that Rick was a dangerous person—not someone who should be around women or children.<sup>32</sup> The information made its way back to Haefner through his connection with this woman.

This later proved expensive to the Los Angeles County Museum of Natural History, as Rick was able to prove in a lawsuit he had been denied the position based on prejudice related to his charges, despite being the most qualified candidate. The charges, which had not been convictions and therefore were mostly hearsay, were determined insufficient cause for the museum to deny him employment. In the end, Rick received approximately \$186,000 in restitution as a result of the employment discrimination lawsuits he filed with Los Angeles County.<sup>33</sup>

By 1980 Rick’s life was in a shambles. His family had depleted most of its savings in his defense, and he was ostracized in Lancaster as a pedophile, despite the fact he was never convicted of any crime. Rick himself hadn’t worked in a teaching capacity since before his arrest in 1975. In fact, aside from running his Lost Dutchman Gemboree gem and mineral shows later in the 1980s, Haefner never worked an actual job again.

In the late 1980s, two young men who worked for Rick out of his home helping to organize the Lost Dutchman Gemboree found a note he had written in 1980, shortly after all of the charges were finally dropped, apparently indicating that he planned to commit suicide—or had at least contemplated it.<sup>34</sup>

Wed. June 4th 1980

It’s strange how major decisions in one’s life come without any conscious planning. In 1975 suicide was a self-indulgent thought

which I could scarcely take seriously. I thought about such things only for the pleasure of wallowing in self-pity.

Now it seems like an easy way out. No more worry about a lost quality of my life, due to false accusations and corrupt Lancaster officials. The night I prayed on a jail cell floor and reached the decision to fight until the whole truth was uncovered may not have been guidance from God. Perhaps it was self-delusion.

I can see no point in living the rest of my life. I expect my death to come next winter. After that I will not burden myself, my family, and my friends with my problems. It will, I guess, be a relief for all. No one should feel sorry for me, for I will not be sorry for myself.

I will, of course, greatly miss the sights, sounds, and smells of the exhilarating things I find on this planet. It will be sad to miss the second half of my full natural life. But these feelings will persist only until I reach a state of death. Then in oblivion nothing will matter.

The only thing that remains now is to see whether I persist in my decision and have the courage to kill myself. I hope I am not a coward.

Egad! What a sad state of affairs.

Richard Haefner

The date of the note doesn't seem to coincide with that of any significant event, victory or defeat in his legal proceedings, so the question of what caused Rick to contemplate suicide must be left to the imagination. Perhaps he wanted the note to be found or he kept it to remind him of the darkest time in his life. He had flirted with the idea 15 years before, when confronted with the Ocean City allegations by the Lancaster Recreation Commission. This time, though, the worst had happened, and he had survived it—some would even say he had overcome it. There was little reason for the 36-year-old to be particularly despondent, especially given his personal history.

WED. JUNE 4, 1980.

IT'S STRANGE HOW MAJOR DECISIONS IN ONE'S LIFE COME WITHOUT ANY CONSCIOUS PLANNING. IN 1975 SUICIDE WAS A SELF-IMMUNENT THOUGHT WHICH I COULD SCARCELY TAKE SERIOUSLY. I THOUGHT ABOUT SUCH THINGS ONLY FOR THE PLEASURE OF WALLOWING IN SELF-PITY.

NOW IT SEEMS LIKE AN EASY WAY OUT. NO MORE WORRY ABOUT A LOST QUALITY OF MY LIFE, DUE TO FALSE ACCUSATIONS AND CORRUPT LANCASTER OFFICIALS. THE NIGHT I ARRIVED ON A JAIL CELL FLOOR AND REACHED THE DECISION TO FIGHT UNTIL THE WHOLE TRUTH WAS UNCOVERED MAY NOT HAVE BEEN GUIDANCE FROM GOD. PERHAPS IT WAS SELF-DELUSION.

I CAN SEE NO POINT IN LIVING THE REST OF MY LIFE. I EXPECT MY DEATH TO COME NEXT WINTER. AFTER THAT I WILL NOT BURDEN MYSELF, MY FAMILY, AND MY FRIENDS WITH MY PROBLEMS. IT WILL, I GUESS, BE A RELIEF FOR ALL. NO ONE SHOULD FEEL SORRY FOR ME, FOR I WILL NOT BE SORRY FOR MYSELF.

I WILL, OF COURSE, GREATLY MISS THE SIGHTS, SOUNDS, AND SMELLS OF THE EXHILARATING THINGS I FIND ON THIS PLANET. IT WILL BE SAD TO MISS THE SECOND HALF OF MY ~~SEE~~ FULL NATURAL LIFE. BUT THESE FEELINGS WILL PERSIST ONLY UNTIL I REACH A STATE OF DEATH. THEN IN OBLIVION NOTHING WILL MATTER.

THE ONLY THING THAT REMAINS NOW IS TO SEE WHETHER I PERSIST IN MY DECISION AND HAVE THE COURAGE TO KILL MYSELF. I HOPE I AM NOT A COWARD.

ERAD! WHAT A SAD STATE OF AFFAIRS.

Richard Haefner

Rick Haefner's suicide note, dated 1980 (private collection).

Rick did not commit suicide that winter or the following winter. He certainly didn't stay out of trouble, either; in 1981, while "investigating" the conspiracy against him, he was arrested for disorderly conduct in the lobby of the Lancaster newspapers building and allegedly "verbally abused and physically beaten." This ended his "investigation," and the subsequent lawsuit was summarily dismissed, in favor of the defendants—a number of police officers and John Does.<sup>35</sup>

By 1979 or 1980, Detective Crump had moved on. Two years after the Haefner arrest, he was selected to lead a four-man tactical team, "because of my thoroughness and fairness in handling cases." The team worked with Felony I crimes—"very serious crimes," according to Crump.<sup>36</sup> However, at some point in 1979 or 1980, Chief William Hoover left the Lancaster Police Department. Walter Goeke, Crump's superior officer, was promoted, and Detective Crump ended up working for Luther Henry, the new detective captain. Shortly after, while on vacation, Crump was transferred from the detective division back to the uniform, or street, division.<sup>37</sup>

"My performance was not a factor," he recalled. It also had nothing to do with the disaster that was the Haefner prosecution. It was "change in management, change in department heads, change in philosophies of law enforcement." After the transfer, Crump was put in charge of coordinating schedules and working with the officer in charge of the uniform division. "I was a little upset that I was transferred for no reason at all," he remembered. He went to the chief. "Chief Ulrich told me that if it's going to bother you, I will have you transferred back, but if the captain wants you out of there, he'll make your life miserable."<sup>38</sup> He decided to seek other employment and left the department shortly thereafter.

In 1981, the Superior Court of Pennsylvania ruled Haefner's request to have his criminal record expunged should be upheld. Questions lingered, though, as to whether the county had complied with the expungement orders in regard to Rick's criminal record at this time. Lancaster officials had fought the expungement for two years and grudgingly gave up when ordered by the Superior Court.

Later, it came out that the county had not complied with the expungement order. For reasons unknown, the lie detector test results were never destroyed as ordered in 1981—they were found in a drawer at the Lancaster city police department in 1988. They may still be there—police would not confirm or deny whether they have the results when a Freedom of Information Act request was filed in 2010. Through a Pennsylvania Freedom of Information Act request for this book, the Lancaster district attorney’s office had to release a number of transcripts as recently as 2011. Some of these documents should have been expunged in 1981 but were not.

In 1988, as part of his ongoing civil rights case, now expanded to include his former attorneys Sprague and Sprague under the auspices of a legal malpractice claim, Rick conducted most of the videotaped interviews used for this book. He intended to file the transcripts with the court in Philadelphia. Much to his chagrin, the Philadelphia court system did not allow the filing of transcripts then, so all of his hard work was for nothing.<sup>39</sup> The videotapes and transcripts prepared by Haefner languished in boxes in his increasingly cluttered home on Nevin Street while Rick continued to harass those he felt had wronged him, using the same legal system they had used to try to send him to prison.

Rick wasn’t done with juror Peters, either. He tracked Peters down and called him, asking questions about whether he had been compromised in any way. Peters had no information for Rick, but that didn’t deter him—Haefner subpoenaed Peters. Later, as he was trying to figure out how to get time off work and travel to Philadelphia to be deposed, Peters received a call—it was a female attorney who worked with Sprague. “You don’t need to worry about coming out for your deposition. The case has been dropped. Mr. Haefner is here, he’s currently curled up in the corner in the fetal position,” the attorney told him.<sup>40</sup>

What is perhaps even more shocking than tracking down jurors is how maliciously Rick pursued his accusers. One of the boys who accused Rick failed to show up for the legal depositions Rick summoned him for in 1988. As the plaintiff, Rick was entitled to select the time and place these depositions would occur. When he finally met with the boy, one of the first questions he asked him—indignantly—was “Why did you ignore a legal

subpoena? I had to subpoena you three times before you showed up!” The boy, now a man, replied: “My mother got the papers and we threw them away. We thought it was a sick joke—you ordered me to appear at the hotel where you molested me!”<sup>41</sup> Surely, such actions were a cruel way to conduct a legitimate civil court deposition, if in fact legitimacy was Rick’s goal.

Much of what occurred after Sprague tried unsuccessfully to prosecute the civil rights case on Rick’s behalf is sheer legal tedium—decades of filings, counter-filings, motions, complaints, and accusations by both parties of wrongdoing, errors in timeliness of filing, and other legal minutiae. It is not discussed here, as it serves only to show what is already known—that by this time, Rick was a vindictive man with nothing to lose and no concern for others or himself. What remains of importance is the fact that Rick’s case against Jerry Crump, Kevin, and many of the other Lancaster officials made it to the Pennsylvania State Supreme Court three times, finally being overturned and determined to be malicious prosecution on the part of Haefner.

## CHAPTER 20

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### Get Haefner

“A conspiracy is an agreement between two or more persons to commit a wrongful act.”—California Plain-Language Jury Instructions on Conspiracy

“Haefner stated that he believes that the entire police department in Lancaster County is Corrupt, along with the District Attorney’s Office in Lancaster County. Haefner also alleged that certain judges in the local courts were involved in a conspiracy to deprive Haefner and others of their civil rights.”—From an FBI interview with Richard Haefner, December 1980

Almost before the original 1976 trial had even concluded, Haefner was claiming there was a conspiracy against him in Lancaster’s justice system. George’s arrest for disorderly conduct, Rick’s own arrest and the alleged threats made against him, and, of course, the question of what, if anything, Terry Hess saw in the men’s room of the Lancaster courthouse during the trial all came into play in Rick’s mind. Most of it seems to be bunk, but what’s fascinating, and troubling, is how much of it could be real and remains unanswered.

Rick’s theory of how the conspiracy transpired went something like this: Kevin’s older brother James was angry at George Haefner, Sr., for allegedly calling police regarding a robbery he may have been involved in back in 1973. Words were exchanged openly on a number of occasions between James and the Haefners. Kevin, James’ brother, was angry at being fired from the rock shop on Nevin Street. Together, they decided to call police and claim Rick molested Kevin. They enlisted Kevin’s friend Randy to help back up the story.

Police tried to intimidate Rick into confessing. He had been accused of indecent contact with children in the past, so they were anxious to put him away. Rick's lawyers were intimidated to drop the case. When Terry Hess overheard the bribery in the courthouse men's room, the police covered it up by asking court reporter Kathleen Mumma to change the official transcript, which showed Randy had in fact been brought in from outside the courtroom by Detective Crump. The prosecution claimed Randy was brought into the courtroom by ADA Kenneff, and Crump was in the courtroom most of the time—thus, no chance for the bribery occurred. Hess was then intimidated with charges of perjury, and the investigation of the bribery and Hess's testimony was given to Detective Joseph Geesey—from the same detective squad as Jerry Crump. The court transcript was then falsified to reflect the “official” version of events, a collusion between Mumma and Appel, who worked together closely.

Examining this conspiracy theory put forth by Rick in his official civil rights trial complaints after his criminal trial ended, it becomes clear there are definitely points of diversion between the official record of what happened and the events that were actually experienced by the people in the courtroom that day. To understand, perhaps it is best to break down the conspiracy theory into smaller parts and consider one at a time.

Whether Kevin and his brother James falsified the charges is not known and will never be known. It's impossible to discern or dispute the motives of a young boy who may have been suffering from the aftereffects of a frightening situation. All we have to determine whether Kevin was truthful is the official testimony. No one else witnessed the attack, and while there are discrepancies in his testimony, they are not unusual from a young victim of child abuse.

Whether Randy was truthful is similarly troubling. His version of events is quite consistent and clear in his testimony, except for the question of whether the straight razor Rick shaved with was involved and except for the fact that he was unaware of exactly where the molestation took place, not unusual considering he was in unfamiliar surroundings at night.

One aspect of the boys' accounts that is most disconcerting is the allegation that Rick threatened them, either directly (with the razor) or indirectly (with

the rock or even just the shaving kit present in the room). There are at least a dozen stories of Rick's molestation tactics and never once was a weapon used or a threat made. It is odd Rick would feel the need or desire to threaten victims when his already time-tested method of showing his victims a good time had worked well. It does make one wonder about the veracity of the testimony and think, "Well, maybe he didn't..."

Additionally, the attack on Kevin seems odd, as Rick typically took his time grooming his victims before making his intentions known. It is very unusual he would forcibly approach Kevin, whom he had only employed for a few days—especially when there was such bad blood between Kevin's family and the Haefners. Rick could be accused of many things, but a lack of discretion when selecting his victims is not one of them. Accounts of his other molestations usually involve a vacation or trip away from parents and a chance to create positive memories that would offset the assaults. At 32, Rick had more than a dozen years of pedophilic experience behind him—why, this one time, would he act so reckless, and with a relatively new boy?

The incident with George Haefner, Jr., and his arrest for disorderly conduct are also cause for concern. While George may have overplayed it for some degree of dramatic effect, one has to wonder what the chances Rick's brother, back from California to assist with his defense, would be mistaken for a wanted criminal as he walked down the streets of Lancaster—a wanted criminal who was never caught, either. Later in life, George got into another scuffle with Lancaster police, so perhaps he was as intractable as his brother, but it seems he would have had much to lose in the 1970s by getting into a street fight with law enforcement officers. The \$25 fine seems almost punitive and an afterthought, possibly intended as a warning, but ultimately the disorderly conduct charge details are another part of the alleged conspiracy that we may never fully know—all we have are the conflicting testimonies of George and the officers who arrested him and whom he accused of assaulting him.

Whatever happened during the ten hours Rick spent at the police station on August 15, 1975, will forever be shrouded in mystery as well. We know approximately five hours were spent in interrogation and two and a half hours on the lie detector test. He may have spent the remaining two and a

half hours in a cell. Whether the police physically threatened Rick, otherwise intimidated him, or promised him clemency in exchange for a favorable polygraph result is unknown. Detective Crump, Walters and Snyder all claim otherwise, so it becomes a case of Rick's word versus theirs. Heinly certainly opened the door to the possibility the officers tried to intimidate Rick in the interrogation room. The only documents we can look to for answers are the short official police report, Rick's FBI filing and testimony alleging the civil rights violations, and the testimony regarding the lie detector test, all of which have been included here as part of the narrative to show the reader firsthand what a weak case had been prepared by the police.

Another unusual aspect of the trial is Judge Appel's selection to hear the case. Appel, a 1935 graduate of Franklin and Marshall College, Rick's alma mater, was acting president of F&M for a brief period in September–October of 1962. He resigned after six days when complaints arose from the Board of Trustees as to how he had been selected for the position.<sup>1</sup> Since the case was originally to be tried by W. Hensel Brown, and since Appel was the judge whose court reporter mentioned prior knowledge of the tapes interviewing witnesses as early as Christmas, it is unusual that Appel, an orphan's court judge, was suddenly hearing the case at the last minute without any other reason.

Appel's friends in the community were clearly pulling for him to take care of Richard Haefner. One event in particular stuck out in his mind, even years later. "After the trial and after I was no longer involved in post-trial motions or other proceedings, there have been people who made remarks to me concerning the case. Dr. John Moss [then head of the Geology Department at F&M] said 'Well, I'm glad to see that Haefner was finally gotten.'"<sup>2</sup> Appel remembered, "I knew John Moss both through social contacts and through being a member of the board of trustees."<sup>3</sup> While these alleged events took place after the trial, what possible bias could have existed during the trial, given the close association between Judge Appel and the F&M community, where Haefner was suspected of untoward behavior dating back a number of years?

There are other allegations made by Rick at various times that are not expanded upon. Many of these may result from the attitude attorney Sprague says Rick seems to have taken toward the police. We have only the simple statement Rick made to the FBI as part of his testimony in 1980: “Other instances of harassment by the Lancaster County Police Department included someone contacting Haefner and offering to arrest him for harassing the principal of Lincoln Junior High School, the grade school where one of the boys was in attendance. This individual informed Haefner he was not to speak to the principal or return to the grade school. As another instance, Haefner said he noticed someone speaking to a [redacted] just before his trial. Immediately thereafter, that individual urged him to plead guilty. Additionally, even after the trial, anytime he would approach the police station, it seemed to Haefner, officers would rush out of the Police Station and accuse him of trespassing. In such instances, they would ask him for identification and threaten to arrest him for loitering.”<sup>4</sup>

There is also the issue of the trial transcript. Kathleen Mumma, as mentioned before, was the last of the old school—a certified shorthand trial transcriptionist. She didn’t use the stenographic typewriter the other court reporters did, and she relied on a reel-to-reel audio recorder for back up. James Heinly remembered Mumma from a number of trials as “not the best court reporter. The very fact that she would be in a courtroom may limit your ability to get an accurate transcript. My recollection of the trial was that if you wanted a question read back, it was almost impossible to get it. I don’t think she could read her notes. Kay Mumma was the only certified shorthand reporter, and my recollection of the trial, that trial and other proceedings where she was the reporter was that she had a difficult time reading back a question.”<sup>5</sup>

This was bad enough, but in a hotly contested trial such as *Commonwealth vs. Haefner*, the accuracy of the transcript was a major issue. Adding to the problem of an accurate transcript was the fact the tapes Mumma created often picked up things they weren’t supposed to—such as off-the-record exchanges, or colloquies, which happened between the judge and opposing counsel at the bench. One of the attorneys who represented the county in the later Haefner civil trials said that at that time, colloquies that took place at the bench were not placed “on the record” unless the judge specifically

requested it. If the judge didn't request it, it didn't happen. If the judge did request it, the judge and the court reporter and opposing counsel were moved to the end of the bench, away from the jury, so a transcript could be made.

In this particular trial, Kathleen Mumma's recorder picked up an exchange between the judge and Randy upon his entering the courtroom and taking the stand to testify. Defense witness Terry Hess allegedly heard Detective Crump bribing Randy in the restroom before his appearance. According to Rick and the defense, Randy was waiting in another room outside the courtroom to come in and give his testimony, and Crump left the courtroom to retrieve him. According to Crump and Kenneff, Crump was there the whole time, and Kenneff left in the middle of testimony during a recess in the proceedings—meaning there was no need for Crump to leave the room to get Randy, and no opportunity for them to be seen together in the men's room.

There were other discrepancies in the official record. Heinly asked several times for the court to declare a mistrial, but not all of the requests appeared in it. Kenneff estimates Heinly asked for a mistrial at least two and as many as ten times during the hearing. "It was significant that the mistrial was not on the record," Kenneff remembered. If it could have proven the defense pushed for a mistrial, the Lancaster County DA's office could possibly have re-prosecuted the case. The prosecution attempted to have the record re-opened, the transcript re-written, and the mistrial requests by Heinly added.

At a later hearing, Judge Bucher ruled that as a matter of law, the record could not be supplemented. As a result, Rick's second defense attorney Richard Sprague was able to bar the case from being re-prosecuted. As Kenneff remembered, "he developed a novel theory on the double jeopardy and that's how we got into this topic. It did, in fact, change Pennsylvania law." Regardless, Kenneff regretted that they were unable to have the record reopened for the court's purposes. "Judge Appel had things occur in his courtroom that were not part of the record. We still feel it was incorrect to refuse to allow the record to be supplemented. This particular case made me more aware of where these court reporters were and what they were putting down than I was before."<sup>6</sup>

In regard to the demands the revised transcript with the missing colloquy be produced, the Lancaster County court still insisted the original, “official” transcript stood and it showed Randy was in the courtroom the whole time—therefore, Hess committed perjury. Lancaster County, at that time, made court filings of transcripts official and unable to be disputed as of 15 days after they were filed. If no one files a formal complaint, they are assumed to be correct. Interestingly, any official complaint would have been an impossibility, given that Rick was sentenced to 30 days in jail and unable to dispute the transcript for almost two weeks after the trial.

As part of his defense, Rick was searching for Mumma’s audiotape of the incident with Randy, which he felt would have proven not only his innocence, but also the police corruption he was alleging. He demanded Mumma produce her tapes from the trial and allow his defense team to listen to them. The DA’s office, including ADA Kenneff and First Assistant DA Joseph Madenspacher, pushed back, claiming the transcript was correct and anything that could call the transcript into question could not be legally granted. In September 1977, a hearing was requested, officially asking for the tapes to be brought to light.

Legal paperwork flew—the newspapers reported Mumma, Kenneff, and Madenspacher first lost the tapes, then looked for them and discovered they had been destroyed.<sup>7</sup> Judge Hensel Brown refused to hear a motion asking Appel and others to provide testimony about what was on the tapes. Eventually, Brown changed his mind and ruled that a review of the tapes should be allowed, but by then, the tapes had again allegedly been lost or destroyed. Materially, the defense was never granted access to the tapes, despite repeated legal requests.<sup>8</sup>

After the trial ordering the tapes be produced, a motion was filed for an evidentiary hearing, intended to produce the recordings of the trial and determine if any differences existed between the tape recording of the sidebar testimony and the official transcript. Judge Wilson Bucher of the Lancaster County court system (also a Franklin and Marshall alumnus) denied the motion without ever hearing it. Upon her retirement, around 1978–1979, Kathleen Mumma returned the tapes to the DA’s office. Apparently they had not been recorded over as Kenneff, Madenspacher, and

Mumma later claimed prominently to the local newspaper and in court proceedings.

Mumma typically recorded over her tapes in subsequent trials, but for some reason she kept all of the tapes from the Haefner trial—and she gave them to the DA’s office in one large box when she retired. Detective Joe Geesey asked her to come to his office and play some of the tapes for him, and she did—preparing an unofficial second set of transcript pages 575–579, the pages related to Randy being called to the stand.<sup>9</sup>

John Kenneff remembered hearing about the transcript after the fact. “At some point it came up that one of the detectives had talked to Kay Mumma and had listened to the tape and Kay Mumma had typed up a transcript from that tape. I’m 90 percent sure [the detective] was Joe Geesey.”<sup>10</sup> Geesey investigated the Hess perjury allegations, so it was not surprising he would be interested in evidence relating to the colloquy at the bench where Randy entered the courtroom. Sometime after the trial, Kenneff saw the transcript.

“It was short. It had to do with what happened when a witness named Randy came into the courtroom when an offer of proof was being made to Judge Appel. I don’t know where it is. It’s not in our file in the DA’s office. I reviewed the file when Rick subpoenaed the file in 1986 or 1987. I think the documents are with the city police,” said Kenneff.<sup>11</sup>

In fact, Detective Joe Geesey did have the documents, in a pending file in his office at the Lancaster police department. “I was told that the court reporter made recordings of what transpired during the trial. I went to Kay Mumma and asked her if I could hear, and I told her this was at the direction of the court.”<sup>12</sup>

Furthermore, Geesey states, “I went to Kay Mumma and asked her if she had tapes. She did. I told her the specific part of the trial I wanted to hear about and asked her if she could find it. She got back to me ... up in the Lancaster County Courthouse, in her office; she played a certain part of one of the tapes of his trial. I said ‘Yes, that’s what I’m looking for, could I have the tape?’ She said ‘No, that’s not permissible.’ I said ‘could I have you type up that section,’ she said ‘yes, I’ll do that for you,’ and she did that.”<sup>13</sup>

“From what I read in the transcript, there was the possibility that Crump had done something wrong. Under these circumstances, I felt I should advise him of his rights and take a signed statement.” Beyond that, Geesey can’t recall why he kept the transcript. “I can’t remember what significance, once I read that transcript, I applied to my investigation. Whether it turned out to be a dead end or whether it turned out to be something, at this point I can’t remember.”<sup>14</sup>

Rick demanded these pages fruitlessly during his civil cases in the 1980s, but the police and DA’s office refused to release them. He was never able to find the informal transcript Mumma produced, which he felt was integral to his defense.

\* \* \*

Almost exactly 37 years to the day after the trial ended, I uncovered those pages, almost by accident. I knew of their alleged existence; I had video testimony describing how and when they were made. But, for a long time, I didn’t believe they existed; I thought perhaps they were a figment of Rick’s imagination or had been destroyed. Then they arrived.

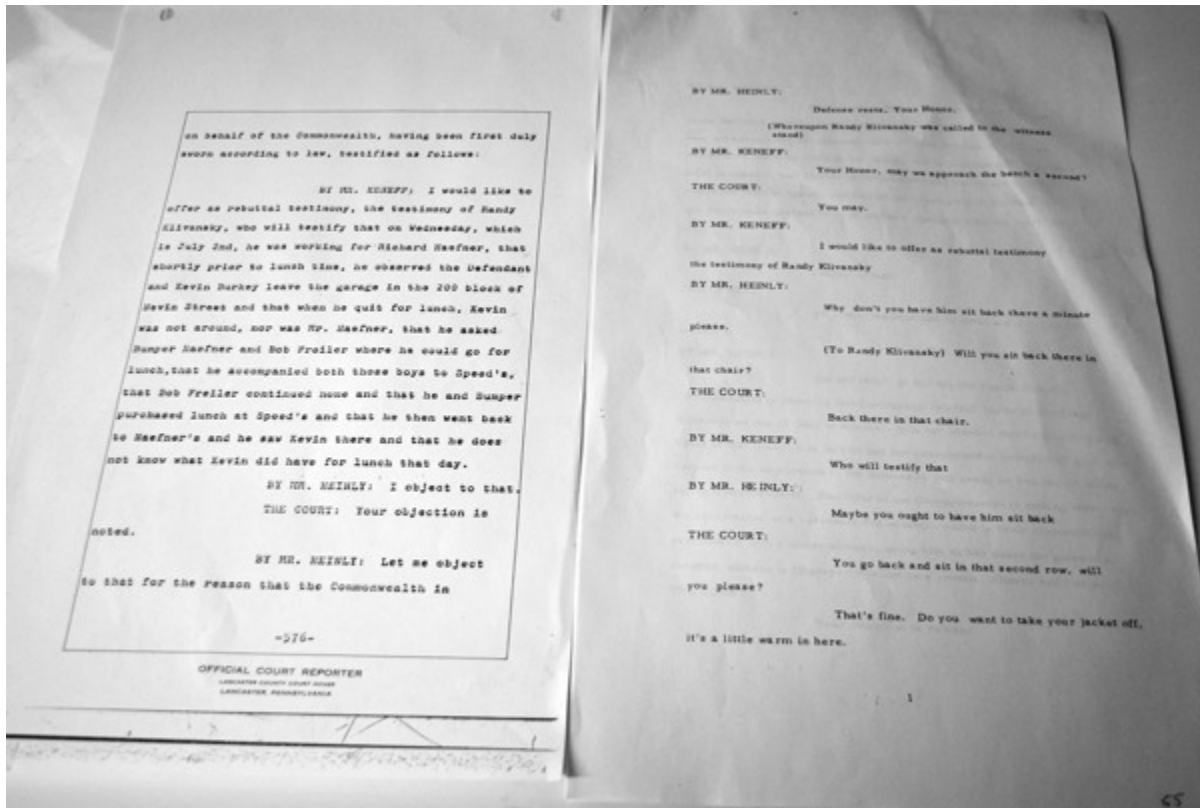
They were attached to approximately 70 pages I received through a Freedom of Information Act request. Mixed in with the motion to quash hearing about the existence of the audiotapes, and copies of the newspaper articles regarding the changing stories of the tapes, was a copy of several pages of the official transcript—along with three pages (simply numbered 1–3) that were obviously unofficial pages prepared after the fact. The official transcript pages show the court calling Randy as the next witness. The record does not indicate whether he came from within the courtroom but it is implied he did. It also does not indicate a recess in the proceedings, which would have been necessary for ADA Kenneff to leave the room—it was unusual, according to Judge Appel, for a prosecutor to leave the courtroom outside of a recess, and a recess would have appeared in the transcript.<sup>15</sup>

The copies I received from the FOIA request appear to be copies of the official pages, and they match my copy of the official trial transcript, although some of the spacing is off, leading me to believe multiple, slightly

different “official” transcripts were produced. The unofficial transcript pages, which are unsigned but mirror the text of the official pages for the most part, show a colloquy at the bench, off the record, where Kenneff, Heinly, and Judge Appel debate where Randy is to sit while they discuss the admissibility of his testimony. They finally seat him in the second row, and Appel says offhandedly, “You might want to take your jacket off, son, it’s warm in here.”<sup>16</sup>

That simple statement raises so many questions. With Kenneff at the bench, according to the transcript, it’s unlikely he left to retrieve Randy from the waiting area, as he later suggested. Kenneff said Judge Appel moved Randy because he was afraid he would hear an offer about to be made at sidebar. If, as was later suggested, Randy was brought in by ADA Kenneff, how could Kenneff already be at sidebar, waiting for him? The implication is Randy was brought in from outside the courtroom by Detective Crump—a direct rebuttal of what the prosecution later claimed, publicly and in court filings.

With the possibility Crump had in fact retrieved Randy from the waiting area and could have been alone with him in the men’s room, the opportunity for bribery suddenly becomes very real. Coupled with the statement Appel made as Randy finished testifying about “making sure to get your jacket,” the county’s claim of the infallibility of the official transcript as presented crumbles.



**Page 576 of the official trial transcript sits alongside the corresponding “page 1” of the transcript prepared for Detective Geesey by Kathleen Mumma. This corresponds to the part of the trial where Randy is called as a witness and the alleged bribery took place in the restroom. It shows he was not sitting in the courtroom and was brought in from outside (author’s collection).**

Without both statements about Randy’s jacket present in the official record, it is clear that opportunity, if not motive, existed for Randy’s testimony to be compromised. Furthermore, Randy testified he had only been brought to the courtroom at around 2:30 by police, saying earlier he was “at home, watching TV.”<sup>17</sup> When asked, he said when he got to the courtroom he saw Jerry Crump and Kenneff. He seems to suggest other policemen brought him and he then met with the prosecutors.<sup>18</sup> Clearly, he would have to have been retrieved mid-trial from somewhere and not simply called to the stand as the transcript and Kenneff suggested. Could he have arrived at the

courthouse, met with Crump, and then been escorted into the courtroom? Absolutely.

Kenneff dismisses such talk of a conspiracy, though. “I think we approached the bench and I told Judge Appel we might have some rebuttal testimony and I needed a few minutes to decide what I wanted to use. As I recall, everything was done at the bench, not counsel table. I am absolutely positive that I left the courtroom and went down to the second floor of the courthouse, and that Randy was down in the second floor law library and I brought him up into the courtroom.”<sup>19</sup> He remembered the events of that day a bit differently than the official record reflects, but then, there are plenty of problems with the official record as it is.

“I recall that both Mr. Heinly and I approached the bench. I left the courtroom. When I left the courtroom, he [Detective Crump] was standing outside the courtroom. He said he was dissatisfied with the statements Rick made about the lie detector, and he wanted to discuss it with his superiors. I don’t remember what his specific objection was. I went down to the second floor law library.”<sup>20</sup> Kenneff wasn’t worried about Rick’s contemptuous mention of the lie detector test. “I wasn’t sure I had even decided what approach to take” in regard to that statement, he recalls.

“When I saw Crump, I told him that I might need him.” After the exchange in the hallway, Crump left. Kenneff headed down to the second floor law library to retrieve Randy, whom he had brought in to testify. “I had done some thinking about who I would use as a rebuttal witness. I wanted to use Randy because I had talked to him earlier that day.” The witnesses in the case had been sequestered, but Kenneff had interviewed Randy and Kevin together one last time prior to the trial in the law library. “The purpose of calling Randy was to show that Rick had access to Kevin without others being present. He was to testify regarding his recollection as to what had occurred during the week that the attack on Kevin occurred.”<sup>21</sup>

“I believe my recollection of how Hess told it was Crump brought that boy up the steps and took him into the bathroom and paid him, then took him immediately into the courtroom, and that’s not how it happened.”<sup>22</sup> After the Hess allegations came up, Kenneff did some investigation of his own

into the matter. “I stood where Hess said he was standing and looked through at the mirror to see if I could see into the last stall.” He had two people stand where Hess said he saw Crump and Randy. “If it was impossible, I wanted that brought out.”<sup>23</sup>

First ADA Joseph Madenspacher confirms Kenneff’s conclusions. As part of the investigation into Hess’s perjury charges, Detective Geesey requested a physics professor from F&M or Millersville be brought in to examine the third floor bathroom. He made diagrams of the setup of the mirrors, and he discovered, as Madenspacher remembered, that “the position of the mirrors as they were at the time would not have created the image that Hess said they would.”<sup>24</sup> The professor was never called to testify. He simply produced his diagrams and sent his conclusions to the DA’s office after he finished.

Kenneff sums his beliefs up simply: “I think the Hess thing was made up, and I think the participants in it should have been subject to criminal action for it.”<sup>25</sup> No one ever was, though. Sprague was able to keep the Hess matter from going to trial. At an August 27 and 28, 1976, hearing on the matter, some interesting facts came to light. In an ironic twist on the allegations Rick made about his own lie detector test, Hess was offered a similar deal—pass a polygraph and the charges will be dropped. Both he and Detective Crump were polygraphed. Both passed. To this day, Madenspacher believes Kenneff and Crump. “He [Kenneff] had no reason to lie and it was not in his nature to lie.”<sup>26</sup>

Heinly remembered a similar version of events. “I think it was the bathroom on the same floor, but I’m not sure.... Crump had—I don’t know if I remember so much as a bribe, but Crump had had some conversation with one of the minor witnesses, either to make up a story or—something—interfering with that witness’s potential testimony.” For his part, Heinly’s faith in Hess never wavered. “I assumed Hess was telling the truth. I don’t remember exactly what he said took place other than some interference with the witness.”<sup>27</sup>

\* \* \*

Court Reporter Kathleen Mumma figures prominently into another major part of the conspiracy theory—the seizure of the tapes and transcripts of the car rides Rick enlisted his young male friends to take. Despite the fact the tapes were not very helpful to the defense, Detective Geesey and Judge Appel seized them and read Rick and Heinly their rights. But how did they know the tapes had been made and what was on them?

Attorney Heinly remembered: “The transcripts of the tapes, together with his whole file were at the trial desk. I don’t know if I looked through those—I don’t know how somebody saw those transcripts. In retrospect, it was obviously [sic] somebody knew I had those transcripts or somebody knew they existed prior to [the court interlude].”<sup>28</sup>

Specifically, Heinly felt the court reporter was involved. “I’m pretty sure of what happened because I think Kay Mumma told me that her daughter [Patsy] told her that she had transcribed those tapes.” Rick told him he was going to have the tapes transcribed. “He told me he did find somebody to have them transcribed. Somewhere along the line, Kay Mumma told me—my recollection is that her daughter told her about these tapes. I seem to recall having a conversation with Rick about that, saying of all the people in the whole world you could have just picked out of the clear blue sky to transcribe those tapes, you picked the court reporter’s daughter.”<sup>29</sup>

However, Heinly cautioned he wasn’t sure it could be chalked up to a conspiracy as such. “I don’t believe that Kay Mumma would have ever attended a meeting or reached an alliance with any other person for the purpose of limiting Richard’s trial rights or any other rights.”<sup>30</sup>

It is possible Mumma hadn’t told the prosecution about the tapes, despite the fact she told Appel and others in the office. Heinly remembered viewing the transcripts with Rick in court during the trial on at least one occasion. “Rick and I were looking at those transcripts at some point at Defense counsel, which everybody can watch. The layout of that courtroom is that almost more so than any other table in that courtroom, the defense table is under scrutiny. You’re exactly opposite the jury. The judge was off to your left at a 45-degree angle, and the prosecutor was off to your right at a 45-degree angle.”<sup>31</sup>

Because of the fact the prosecution could have seen the defense viewing its exhibits, it is possible that the defense could have seen the transcripts. “I don’t like the layout of courtrooms in Lancaster County because I think they are unfair. The guy who is next to the jury is the prosecutor. I liked that when I was a District Attorney because when somebody would be testifying and I wanted to express my contempt to the jury for what they were saying, it was very easy to sit here with my police officer prosecutor and four feet away the jury is listening to me, whereas defense counsel is sitting eight, ten, fifteen feet away. I always felt the DA was at an advantage to be right next to the jury.”<sup>32</sup> If it had not known about them, though, how would it have known what Rick and Heinly were looking at? And how did it already have a warrant in hand to seize them that day?

Heinly believed he knew what happened, and why he was arrested on the record by Detective Geesey in the courtroom. “When I was arrested, I didn’t think the judge was part of that. They obviously wanted those transcripts—the cops wanted those transcripts.”<sup>33</sup>

After the seizure of his briefcase and the reading of his rights, Heinly was sent back to the defense table. “When it was all over, they had the transcripts and I had my briefcase and my file in the courtroom.” There was no telling what else the prosecution had seen or taken. Crump or others may have had access to other items in the briefcase. “I don’t—I think Jack Kenneff wouldn’t—I don’t think he would have even looked in my file. Crump, I don’t know what he would have done. I think if he could have, he might have.”<sup>34</sup>

Prior to the trial, Jerry Crump remembered hearing about the tapes. Despite the fact he did not typically deal directly with the DA’s office, “I made Mr. Kenneff aware of the fact that they were in existence and that they were going to be used at trial.”<sup>35</sup> He made his superior officer, Captain Walter Goeke, aware of the existence of the tapes as well, and he was told to pursue an investigation. There were at least a hundred pages of transcripts that had been produced and a number of tapes that had not been transcribed. Crump recalled hearing about them through official channels when the boys involved began to tell their parents about skipping school to visit attorney’s offices and “easy money” they were earning working for Richard Haefner.

One such boy, Willie Bise, was mentioned by Steve Groff during the trial. His mother, Pearly Mae Jackson, started noticing her son was skipping school and carrying large amounts of money—for that time and place, \$29 was a lot for a teenage boy. Willie claimed he had been taken over to see Rick because he was friends with Randy and Kevin. Contrary to Steve’s testimony, Rick offered (Willie, at least) easy money to ride around with his friends and make some tapes. “If they made good tapes, he bought them Christmas presents—even a stereo set,” Crump remembered.<sup>36</sup> Ms. Jackson questioned whether what her son was doing was legal and why he was skipping school more frequently. Sergeant Harold Steyer in the juvenile division of the Lancaster police department was friendly with Ms. Jackson and she confided in him.

Crump investigated the rumors about the tapes completely. In the end, he spoke with a number of boys—Willie, Brian, Joe, and Steve Groff, who testified at Rick’s trial. He and Sergeant Steyer interviewed the boys in the presence of their parents. “I recall on at least one occasion, maybe more, Youth Officer Harold Steyer was present with me.”<sup>37</sup> Having multiple officers, as well as parents, present corroborated the accounts the boys were sharing. He produced five copies of a multi-page report of his investigation—all of which seem to have disappeared prior to the trial. What he remembered is disturbing enough. Rick had given the boys money for food and entertainment—pinball was their preferred choice—and access to his father’s car. When his father’s car broke down, Rick provided another vehicle, along with a gas credit card, so the boys could accomplish their mission, which was to uncover incriminating evidence against Kevin and Randy.<sup>38</sup>

The mission failed. According to Detective Crump, the boys talked mostly about smoking marijuana, but it didn’t seem serious, more like typical teenage braggadocio—as Crump put it, “a load of bullshit.” He heard and read the transcripts after seizing them at the trial. “The transcripts of those recordings read and sounded like a bunch of kids bragging about how ‘bad’ they were and what the other guy had done. After the transcripts became known, the information about drug use came to light.... I asked them about drug usage. They both denied it.”<sup>39</sup> Beyond this, Crump did not speak to the

credibility or lack thereof the tapes may have had regarding the allegations made at trial.

As seen before, Groff's trial testimony tends to contradict Crump's recollection. On the stand, he stated there were various versions of the account that Kevin had shared and there were various indications Kevin viewed the whole thing as a game or some kind of humorous endeavor. The truth may be somewhere in between.

Unfortunately, it is impossible to determine now that the transcripts and the recordings no longer exist. The copies of the transcripts seized at the trial were kept in a locked evidence room at the police department. Kenneff was allowed to view them whenever necessary.<sup>40</sup> As with so many other pieces of evidence, they disappeared not long after the trial and have never resurfaced. The tapes are presumed to have been lost or destroyed as well.

Neither Heinly nor Rick was ever officially charged with the possession or creation of the tapes or transcripts, despite the fact they were arrested and the charges, read at sidebar at the bench, were a misdemeanor carrying criminal and civil penalties. As a matter of fact, the issue was never brought up again. Crump remembered being informed by Kenneff that "there would be no charges brought in the case [regarding the eavesdropping]."<sup>41</sup> To this day, the tapes and transcripts have never turned up. Repeated, specific requests, backed up with sworn testimony from former DA Kenneff and others, asking for the return of the tapes from the DA's office have gone unresolved.

What Heinly didn't know at that time, though, was that his suspicions were correct—Judge Appel did know about the tapes. "Prior to that term of court, on one or two occasions, Mrs. Mumma mentioned that she had been employed by Rick to transcribe some tapes which she said he had arranged to be made by one or two high school students in whose presence the victim was." Mumma told him this in chambers. "I did nothing with that information," he remembered.<sup>42</sup> However, "and there were one or two times that I heard Mrs. Mumma talking to members of my staff about it," Appel stated. The secretary, another typist, and the bailiff for his courtroom were all alleged to have heard the story of the tapes from Mumma. Despite this

unusual pre-trial “publicity,” Appel was unconcerned. “I didn’t give it any thought.”<sup>43</sup>

With this lack of action on Appel’s part, it is strange, then, that the prosecutor and the assistant district attorney would have search warrants prepared to seize the transcripts. As Rick recalled, “Kenneff and Crump had some papers in their pocket. After Steve Groff was presented as a witness, they produced those papers and threatened to arrest me.” Rick believed the drama was staged to have “a chilling effect” on any potential defense witnesses from that point of the trial forward. If so, it certainly served its purpose.

Kenneff knew about the tapes too. He remembered the boys “went to Kevin’s house one night, and they picked him up and took him out and questioned him as a group about his allegations.” He saw the materials during the trial and believes he discussed them with District Attorney Eckman. He states he “didn’t know who obtained the search warrant, or when it was obtained.”<sup>44</sup>

The issue of the admissibility of the tapes was addressed early in the trial, according to the official transcripts. Tape recording without consent had only recently become illegal in the state of Pennsylvania, and Appel and Kenneff pretended, at least for the early part of the trial, not to be aware of this fact. Prior to the calling of witnesses, Appel mentioned the tapes at several points. Appel’s own recollection of how the tapes were introduced into court is slightly different: “My recollection was that the issue of the tape recordings didn’t come up until one of the students was called to testify.”<sup>45</sup> This, along with some of Appel’s other statements, tends to impugn his recollection as reliable in the Haefner trial history. What other events of the trial that Appel remembered were incorrect?

One of these events was whether Crump or Kenneff left the room to retrieve Randy during the trial. Roughly halfway through the trial transcript, Kenneff asks permission for Crump to leave the courtroom. Judge Appel remembered, although prosecution counsel would not be allowed to leave the courtroom without a recess unless multiple counsel were present, “as far as witnesses are concerned, they generally come and go and I generally pay

no attention.”<sup>46</sup> This simple fact proves the prosecution’s allegations of Kenneff retrieving Randy are false. No recess was called, and there was only one prosecutor present.

The contempt ruling at the end of the criminal trial was considered by Rick part of the conspiracy as well. When they couldn’t “get him” with the evidence provided by Kevin and the police, they got him on a technicality—contempt of court for what could be considered baiting. He was specifically prohibited from mentioning the lie detector test in court, yet the question was asked of him whether he had made any complaints to Justice Lees at his arraignment regarding his time at the Lancaster police department. The only truthful answer was that he had—he complained about the lie detector test.

Despite this fact, he was sentenced to a month in prison, beginning February 5, 1976, and a \$500 fine—a sentence that was later overturned on appeal by the Pennsylvania Supreme Court, which ruled the charge “was certainly preposterous” and Rick, in answering the judge’s question truthfully, “intended absolutely no disrespect for the court’s authority.”<sup>47</sup> The refusal to set bail for such a minor offense seems to have been calculated solely to send him to at least a short prison term and for purely punitive reasons.

In the end, the police and the boys were vindicated, at least in the sense they were not officially found to have been deliberately collaborating to destroy Rick or to have engaged in a conspiracy of fact that could be uncovered by the court at the time. This doesn’t necessarily mean that a *de facto* conspiracy didn’t exist—or, at least, that very poor procedures and decisions ran rampant in the Haefner matter. As with much of the *Commonwealth vs. Haefner* case, there were no clear answers to be had.

From his position as a member of the jury, M. Richard Peters believes to this day that “the police case was strong, and they presented the facts well. I do not feel that there was any chance of corruption in the attempt to convict.”<sup>48</sup>

\* \* \*

By the time the last of the various proceedings terminated in the late 1990s and early part of the 2000s, the lives and livelihoods of many of the individuals involved in the case had changed considerably. Most of the police officers had moved upward or on to other jobs. The boys had gotten older. There were other crimes to prosecute, other demons to chase. The county had spent tens of thousands of dollars, if not hundreds of thousands of dollars, on legal fees and filings to defend itself against a man who needed only to create filings in his free time and enter them to spite his accusers. To my knowledge, no accurate calculation of the cost of the Haefner civil and criminal cases has ever been compiled by Lancaster officials.

I had one encounter with Rick Haefner, although I have no memory of him personally. As a young boy attending a local fair with my parents, I remember taking part in one of his gem flume operations. The gem flume, a sort of portable gem and mineral panning operation, involved a wooden frame that supported a metal trough with a swimming pool full of water at the end. A pump constantly recycled the water from the swimming pool back to the top of the sluice to create a sort of perpetual river about ten feet long.

Children who participated were sold buckets of dirt or other material with small gems and minerals mixed in. There were different sizes depending on cost, and the larger buckets (known as Bonanza Buckets) contained more valuable minerals. Some allegedly had diamonds. A barker called out, “Gem mines, mini mines, keep what you find!” over the splashing of water and the metallic rattle of stones in pans as children anxiously scanned the mud for shiny objects.

Somewhere, in a box in my basement, I have a small piece of bloodstone I pulled from my bucket. I was fascinated with the stone, as children are with rocks and minerals—I had never seen anything like it before. In researching this book, I finally looked up the gemological lore, discovering bloodstone is believed to help one become knowledgeable in the ways of the world and the bright-red jasper mixed into the stone was thought to represent the blood of Christ. Without knowing it, I too had learned something from the

Ph.D. pedophile, Richard Haefner. Even in death, Haefner continues, by turns, to educate, terrorize, and mystify.

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## Epilogue

“You believe one side, or you believe the other.”—District Attorney Jack Kenneff

Even today, 35 years later, the events of *Commonwealth vs. Haefner* are controversial and open to interpretation. The problems stem not only from the manner in which the trial was conducted, but also even from the witnesses and prosecution themselves. As shocking and disgusting as the allegations made by ten-year-old Kevin were, his recanted testimony during the preliminary hearings throws the prosecution’s version of events into doubt. The fact the police were unable to determine whether the molestation of 13-year-old Randy took place in Lancaster or Lebanon County, as well as the slipshod way the prosecution was handled, obviously doomed the district attorney’s case to some extent.

The individuals in positions of authority who were involved in the case and who are still living are sensitive about the details of the Haefner prosecution. While talking on the phone with one of them for an interview as part of the research for this book, I mentioned I had come across a number of videotapes and other court documents I was reviewing. His tone immediately changed to one of concern. “How did you get those?” he asked. “The court ordered them all to be destroyed.” All I could tell him was they weren’t.<sup>1</sup> Some wounds never fully heal. Despite the expiration of most statutes of limitation, there are still people out there who feel they might have much to lose from their involvement in this case.

In my mind, the allegations of a vast conspiracy to convict an innocent man are baseless. The courts certainly thought so; all of Rick’s conspiracy lawsuits were thrown out. It’s fairly clear the powers that be knew of Rick’s alleged earlier behavior with young boys. There was also plenty of community pressure, from individuals higher up in Lancaster, to deal with the problem they perceived existed. I imagine an arrest and speedy trial was

tempting, then, when they had two similar, recent accusations to finally “get Haefner” with.

It’s obvious the police wanted to do the best thing they could possibly hope to do: get a child molester off the streets of Lancaster. The problem is how they chose to go about it. Slapping together a case based on the recollections of police officers and a dearth of written material might have worked with the average criminal, someone without the means or desire to fight back. The concept of generic prejudice may have worked in their favor and the jury may have been swayed had the defendant not been Rick Haefner. Unfortunately, the plan backfired.

If a conspiracy existed, it was not, as Rick maintained, a before-the-fact attempt to railroad an innocent man. It is clear, however, a *de facto* conspiracy existed after the fact—an attempt by the Lancaster police and judicial system to control the damage from the mess the prosecution made once its actions were under scrutiny from higher courts and Philadelphia lawyers. The Lancaster police investigated corruption involving the Lancaster police and attorney general. Rick attempted to have an outside agency investigate, but it was ruled a non-conflict and Geesey was allowed to handle the investigation. One hand washed the other as the district attorney and judges lied about and blocked attempts to discern the existence of audio and transcript evidence even as police examined the evidence in offices down the hall. *Quis custodet ipsos custodes*, indeed.<sup>2</sup>

What the Lancaster police didn’t count on was Rick’s desire to fight the charges so vehemently, which seems to be a trait shared by other accused child molesters—the idea that, in their own minds, they have done nothing wrong. If the police are to be faulted, it is in their procedural errors that resulted in casting the shadow of a reasonable doubt in one member of the jury who refused to change his mind. A paragraph-long, unsigned police report and accompanying statement, reputed to be a full confession produced as the only documentation of a ten-hour period of questioning and incarceration? A complete failure to document any written testimony from the boys who claimed they were molested? An inconclusive lie detector test that consisted of only eight questions? These mistakes seem much larger in hindsight than they may have then, but they were significant enough that

they created the doubt in at least one juror's mind, and they helped derail the case.

The confusion shown by Kevin on the stand as to where he had been molested was a clear example of a procedural failure affecting the case. There were three main garages used by the Haefners—the one directly opposite the house facing the alley, where the work was done; the second one facing Nevin Street next to the house; and the Black Hole near Reynolds Middle School. The police failed to identify and clearly delineate these, it seems Kevin was confused about the location he was describing, and Rick may have been truthful about things like what rug was in the room, and so on. I was confused myself as to which garage it was and have settled on the U-shaped garages with the roll-up doors based on Kevin's testimony and the distance from Rick's home and the absence of other people—it was the location least likely to have an interruption from Ere or a neighbor. But even that is merely an educated guess.

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The problems with the Lancaster legal establishment in regard to *Commonwealth vs. Haefner* were built on the faulty foundations of the original police investigation. Given the propensity of the district attorney's office to simply prosecute the cases as they were handed over, with little or no preparation, it's not surprising that a faulty prosecution, rife with mistakes and open to accusations of impropriety, resulted from what the police gave as evidence. Whatever the reality of the accusations made by Kevin and Randy, the police and by extension the prosecution were unable to prove them "beyond a reasonable doubt."

Other questions loom in *Commonwealth vs. Haefner*. Since the Hess matter was never tried, it is impossible to say with conviction what he allegedly saw in the courthouse bathroom. It certainly seems from what I have been able to uncover that, at the very least, the district attorney and police, as well as court reporter Kathleen Mumma, were not being honest about the disposition of the trial transcript tapes, but why? Self-preservation, most likely.

If there was no possibility of bribery having taken place; if the events alleged by Hess were patently false; and if Kenneff had left the room to bring Randy in as a witness, there should have been a courtroom full of individuals who could easily refute the claim Randy was retrieved by Kenneff and Detective Crump never had the opportunity to be alone with him. Why attempt to hide something that didn't really happen? Whether the police perjured themselves or bribed Randy remains unclear. I have only the unofficial versus original trial transcripts and a copy of Detective Joseph Geesey's police report to base any speculation on. To me, the fact the Commonwealth chose not to prosecute Hess on the perjury charge speaks volumes and indicates he quite possibly may have been telling the truth.

Procedural errors and questions of ethics and prosecutorial misconduct aside, it is my personal belief, after almost three years of studying Rick and his actions, Haefner did in fact engage in some kind of indecent contact with both Randy and Kevin. Whether the technical legal definition of involuntary deviate sexual intercourse was met—i.e., penetration—seems irrelevant. Haefner may have committed acts a reasonable man would consider indecent and therefore may have committed the crime of corruption of minors as it was written.

There were plenty of children and adults who worked for or with Richard Haefner and did not see the side of him that others saw. One young man from the Nevin Street neighborhood who worked for Rick for a summer or two recalled an incident in which he foolishly took some orange spray paint from Rick's garage. He had been warned not to, but mischievousness got the better of him, and Rick caught him behind the garage, spraying rocks fluorescent orange. "He was mad at me," the boy remembered, "but he didn't yell at me. It was more the kind of anger that your parents express when you disappoint them. I felt bad, because I respected him, and I knew I had disappointed him. But he was never violent with me, and he never propositioned me."<sup>3</sup>

Other boys who worked with him seem to have escaped harm. Robert Freiler, Jr., who worked with Rick during the time of the molestation trial, never seems to have been harmed by Rick in any way. Although I was unable to convince Robert or his father to speak about their roles in the

Haefner trial, the testimony from Robert and his parents in the various court transcripts shows a family that was friendly to Rick, almost to the point of being a surrogate. Rick went over to their house on a number of occasions prior to his trial, and they helped him reconstruct events and listened to him practicing what he planned to testify to in court. Certainly, this is not the behavior of a family who feels their son is employed by or may have been harmed by a child sexual predator—even given the lax 1960s mindset exhibited by others.

These cases do not exonerate Haefner in any way, however. Haefner certainly molested other boys as well. In my research, I encountered individuals who were witnesses to these acts. I encountered others who admitted to having been molested themselves. I can think of more than a dozen just off the top of my head. In all cases, these men were children at the time, incapable of preventing Rick's behavior and in fear of the same fate befalling them—embarrassment or further molestation, take your pick.

What leads a pedophile to molest one child and not another, sometimes even while they are together in the same room? It seems resistance was the key in Rick's case. Boys who told him no, and stuck to it, were left alone. Parental involvement was another key. If the children threatened to tell their parents, or had parents they could tell present, they were less likely to be molested. In most cases, resistance and the fear of getting caught was enough to defuse the situation. Sadly, most of them never followed through with their threats to tell on Rick, and his behavior continued unabated.

It is interesting to note Rick pursued children with virtually identical methods throughout the remainder of his life. Almost inevitably, he targeted young men who were fatherless and whose mothers were either working or otherwise involved—sometimes, children of drug- or alcohol-addicted parents. He always groomed them with gifts or privileges, trips, and the like. He offered massages and other playful contact to feel out his victims before making a move.

Sadly, he was able to get away with this for almost 26 years. The versions of events told by Kevin and Randy have the ring of truth. Randy's in particular fits the pattern—taking the boy on a trip, buying him food, making him feel in some way indebted before attempting to collect on the

debt. The attacks of Randy and Kevin are drastically different from the 1965 attacks in that they involved oral sex—interesting, because without penile penetration, Rick could only have been charged with indecent assault, a misdemeanor. Had his preferences changed, or had there been a push to convict him of something more serious, as Kevin’s allegations seemed to suggest? A large amount of time was spent trying to discern whether he had placed Kevin’s penis in his mouth at all. Detective Walters said the polygraph results suggested he hadn’t performed oral sex, but perhaps had engaged in other indecent behaviors. Was he right?

The circumstances of Kevin’s attack were different, spur of the moment, but why? Was it an attempt to groom Kevin for future molestation gone too far? Or was it a grooming that did not progress, as Rick alleged, but was embellished by Kevin after hearing Randy’s account? Perhaps this is why Rick fought these charges so vehemently—from some sort of misguided belief he really *was* innocent and yet was being prosecuted. All of the previous incidents where he as much as admitted the offense ended without criminal charges. It would have been the ultimate irony to be convicted for the one time he hadn’t actually molested anyone.

Research tells us that pedophilia can be divided into subcategories. One fact that must be understood is that sexual preference toward adults has nothing to do with sexual preference toward children—a married, heterosexual male can be a homosexual pedophile and vice-versa. There are also different types of pedophilia—true pedophilia, where the individual is attracted to pre-pubescent children, and hebephilia, where the offender is attracted to children in the early stages of puberty, usually accepted to be between the ages of 11 and 14.<sup>4</sup> I believe Rick was a heterosexual with homosexual hebephilic preferences. I also believe Kevin and Randy were telling the truth—but their truth was obscured by the actions of the adults sworn to protect them.

Rick may have been homosexually inclined in regard to his pedophilic paraphilia, but he did show interest in women and dating, and I was never able to uncover evidence of any homosexual relationships between Rick and other men his own age. For that matter, I never met any women who claimed to have slept with him, either, leading me to believe women were,

for Rick, simply window dressing—an expectation for a successful Ph.D. who certainly didn't want to be perceived as unusual or even gay.

His background contains few mentions of women but includes Betsy Aardsma, whom he claimed to have dated, and Kathleen Kirchner, whom he claimed to have been scheduled to meet for a date the night he was arrested. He also talked to Sprague about having been engaged at one time, as proof he was straight.<sup>5</sup> No solid female companions ever materialized.

The most tragic part of all of this is the simple fact that a man who was trusted to mentor them, to teach them, and to share his love of geology and science with them, robbed children of their innocence. How many more children were molested by Haefner but never came forward? We may never know. The average pedophile molests as many as 260 children in his or her lifetime, and 88 percent of pedophiles are child abuse victims themselves.<sup>6</sup>

As much as this work is a call to action to stop pedophiles as rapidly as possible so that these statistics can change, it is also an admonishment to teachers, police officers, prosecutors, judges, and anyone else society charges with stopping pedophiles: Do it the right way. Take the time to build a case, as much as possible, before acting impulsively. Be sure to follow procedures to avoid allegations of prosecutorial misconduct or cases lost on procedural errors.

The prosecution should attempt in every instance to create a fair and balanced trial environment, free of personal or community generic prejudice. Lives are destroyed on both sides of a child abuse/molestation trial if this is not done. I strongly wish Haefner had been “gotten” in 1976 ... imagine how many lives would have been saved, literally and figuratively, had that been the outcome.

*Commonwealth vs. Haefner* is, in the end, proof that a measured, legally airtight response to pedophilia accusations is necessary to ensure the legal system doesn't backfire and cause even more costly physical, emotional, and financial damage to everyone involved. *Commonwealth vs. Haefner* is a reminder that everyone deserves a fair trial, and that fairness in the legal system can only come from transparency and due diligence.

It seems the Lancaster County district attorney's office has learned some of these lessons. In a March 2011 letter to the *Lancaster New Era* newspaper, DA Craig Stedman made the following statements about the current procedures in place when dealing with pedophiles:

Crimes involving the sexual assault of children are beyond reprehensible and we take them very seriously. I have increased the number of prosecutors who primarily handle these cases and rehired a veteran child-abuse prosecutor. For misdemeanor cases, we rely on and seek police and victim agreement, as well as the approval of the unit supervisor. For rape and other more serious offenses, DA approval is required.

It may be politically advantageous to simply say the defendant is a pedophile and, thus, must face the maximum sentence. However, to do so is an abdication of our lawful and moral mandate to do what is right in each case based on the facts and law.

Instead, we painstakingly consider every factor, then prosecute the cases as zealously as possible, given the circumstances. The justice system is not as much about the truth as it is about what we can prove. If we cannot prove it, then we cannot obtain a conviction or sentence.

One of the worst things that can happen to a victim of sexual assault is for them to testify and we lose. Not only did the victim have to re-live the trauma, but their perpetrator is vindicated. Further, the victim certainly will be far less likely to report any future abuse, and the abuser will have no restrictions and, thus, be that much more free to re-offend.

As long as indecent assault is a misdemeanor and the state guidelines are what they are, sentences such as these will be repeated all over the state. We do not make the laws we enforce, and must work within the constraints of the system.

\* \* \*

I have other reminders of Rick that keep the events of January 1976 in the back of my mind. These I acquired as an adult. When I first visited Nevin Street in 2010, I found all sorts of unusual rocks and minerals mixed in with the gravel in the alley—obsidian, quartz, and other minerals not even native to the area, perhaps even some of the same rocks Kevin Burkey threw there when Rick saw him doing so. I have a copy of the pamphlet about the historic mines of Lancaster County. I have taken my own two sons on tours of Cornwall Furnace, the Pequea Silver Mine site and other sites Rick visited, and I greatly enjoyed learning about places I had no idea existed—even though I grew up in the area. I have met dozens of people, professors, business owners, and others, whom I have enjoyed speaking to and learned much from.

I have a sense of sadness around the whole affair. Rick, who, as one of his close friends from later in his life told me, “loved” teaching and mentoring, whose unfulfilled wish was to have a son of his own to share the world with, who had a superb intellect and a genuine love of the field of geology and geoscience and could have shared so much with us all but was never able to, was a prisoner of his own sexual impulses and a victim of his father’s depredations. Pedophilia is still not fully understood, but today, there may have been hope for Rick to get help for himself rather than end up isolated and reviled.

I feel especially sad for Randy and Kevin, who were victimized repeatedly—by Rick, by the justice system that failed them, and then again and again by Rick when he sued them in civil court over the years because his case had ended favorably as a mistrial and he could therefore say he was “innocent,” at least in his own mind. Kevin Burkey’s life might have been vastly better had Rick been convicted, as he bore the brunt of Rick’s litigious nature from 1976 until Rick’s death. Even the lawyers were victimized as they defended Rick in good faith, and he turned on them, sued them, and refused to pay them for their skills and hard work. I am reminded of the final words of David Cassidy—“so much wasted time.”

Perhaps these reminders and the things I have learned and others can learn from this trial are really the only bright spot of *Commonwealth v. Haefner*. The case itself, the allegations put forth about Rick’s behavior, and even

Rick's life subsequent to the case certainly make it hard to have any sympathy for him. The police, prosecution, and the court system are equally unlikeable as they clearly tried to cover up their own misdeeds and lied openly about certain facts like the existence of the trial tapes.

I've begun to suspect the only conclusion that can truly be reached from all of this was already given to us, in the words of District Justice Lees, who bound the original charges in *Commonwealth vs. Haefner* over to trial at the preliminary hearing. They certainly seem appropriate to close this book.

On December 3, 1975, after hearing the closing arguments in Kevin's preliminary hearing, he said: "There is a multitude to take into consideration here on my standing here and what effect it might have, and I am convinced of this much; that I think it should go to Court. Let my peers decide whether I was wrong or right. I am not saying I am right or I am not wrong. I am just saying that I am convinced in my mind that yes, it is strong enough to bear fruit. That's it." Right or wrong, I believe the case for lives, careers, and futures altered and ruined by the police ineptitude and prosecutorial misconduct seen in the case of *Commonwealth vs. Haefner* is strong enough to bear fruit as well.

## Where Are They Now?

**Anthony Appel** officially retired from the Lancaster County Court of Common Pleas in March 1985. He continued with the court as a senior judge. He passed away June 14, 1997, at the age of 82.

**Kevin Burkey** died in March 2011 at the age of 47. He left behind his mother and brothers, and his love of animals. He spent almost a third of his life engaged in legal battles as a result of his implication of Richard Haefner in 1975. His mother Eileen died in 2016.

**Jerry Crump** left the police force not long after the Haefner trial and continued to work for Lancaster County with the corrections department for a number of years. He lives just outside of Lancaster County.

**D. Richard Eckman**, district attorney at the time of Rick's trial, was a judge for eight years, then president judge in the Lancaster County Court system for 13 years. He died in 2002 at the age of 73.

**Joseph P. Geesey** is, as of this writing, still a detective, now with the Lancaster County district attorney's office. As of 2017, he had 57 years of law enforcement experience under his belt.

**Ere Haefner** died of complications from emphysema in 1991. She never stopped defending her son, and she never stopped reminding him, "You'd better stop messing around with those boys"—it would get him into trouble.

**George Haefner, Jr.**, rarely spoke about his brother's affairs. Because of his legal and financial troubles, Rick signed all interest in his parents' estate over to his brother upon the death of his mother. George supported Rick for most of his life, occasionally coming out to Lancaster to help Rick with gem shows or other ventures. He was responsible for cleaning out Rick's things after he passed away. George Haefner, Jr., died December 21, 2009, in Orange County, California.

**George Haefner, Sr.**, was killed in a car accident three days after Christmas in 1983. He never lived to see the end result of his son's many lawsuits.

**Richard Haefner (Rick)** died in a Las Vegas hospital on March 19, 2002. Officially, the cause of death was a "left ventricular rupture, as a consequence of ... myocardial infarction and coronary artery disease." He was cremated at the Bunker Mortuary in Las Vegas, and his marker is in the family plot in Lancaster. The whereabouts of his cremains are unknown.

**James Heinly** continued to practice law in Lancaster County on a case-by-case basis. He passed away November 7, 2012, at the age of 72.

**Terry Hess** still lives in Pennsylvania. When I contacted him to get his ideas and talk about what he had been through, he said simply, "I don't know nothing about it, and I don't want to know about it."

**Jack Kenneff** spent 26 years working as a prosecutor in the Lancaster County DA's office. During his time there, he tried some of the most high-profile cases in Lancaster County history, including the murder of Laurie Show by Lisa Michelle Lambert in 1991 (another case where allegations of prosecutorial misconduct on Kenneff's part led, at one point, to the verdict being briefly overturned; see the *Los Angeles Times* story "A Bitter Lesson for Lancaster County, dated November 10, 1997) and the prosecution of Darryl McCracken in 1995.

In 1999, Kenneff ran for district attorney on the Republican ticket and lost in the primary election—partly due to Rick Haefner's obtaining a copy of the Republican party mailing list and sending out a mass mailing attacking Kenneff for his role in the Haefner prosecution. After his loss, he went into practice as a public defender. He was in the midst of defending Alec Kreider, a teenager accused of murdering his best friend and his best friend's parents, when he died on March 5, 2008, at the age of 59. The book *A Need to Kill* by Michael Cuneo details the Kreider trial.

**Joseph Madenspacher**, who denied the existence of the trial transcript tapes along with Jack Kenneff, became a Lancaster County judge and moved up to president judge of the Lancaster County Courts, a position he still holds.

**Kathleen Mumma**, the court reporter, died in 1990. She never saw the end of the civil trials. Her fourth husband Clyde, who was also named in some of the suits, died in 1988. Her daughter, who was allegedly hired to produce the transcripts of Rick's illegal audiotapes, has since passed away as well.

**Michael Perezous**, Rick's first attorney who withdrew from the case, went on to become a Lancaster County Court of Common Pleas judge. He passed away in 2016.

**M. Richard Peters** is retired from NCR and still lives in the greater Lancaster area.

**Dr. John W. Price** died of cancer in 1977, still so well-respected that a local elementary school was named after him.

**Randy** is alive and well, living somewhere in Pennsylvania.

**Edward H. Snyder** retired in 1986 as a lieutenant after 28 years with the Lancaster police department. He passed away at the age of 80 in January 2017.

**Richard Sprague** still practices law as the founder and senior member of the Sprague and Sprague law firm in Philadelphia. His firm continues to successfully defend high-profile cases that matter.

**Jan Walters** retired as a detective with the Lancaster County district attorney's office in 2010, after spending 24 years as a Lancaster city police detective and a number of years with the Lancaster County Drug Task Force.

# Chapter Notes

## ***Introduction***

1. Philip Jenkins, *Moral Panic: Changing Concepts of the Child Molester* (New Haven: Yale University Press, 2004), 2.

2. *Ibid.*, 103.

3. *Com. vs. Haefner*, 399 A.2d 707 264, Pa. Superior Ct. 144 (1979). Print.

4. *Haefner vs. Burkey Et Al.*, 534 Pa. 62 626 AA.2d 519 1993 PA LEXIS 145 No. 29 M.D. Appeal Docket 1992, Supreme Ct. of Pa., 28 Mar. 1996. Print.

## ***Chapter 1***

1. *Commonwealth vs. Richard Charles Haefner*, Preliminary Hearing, Court of Common Pleas of Lancaster County, 3 Dec. 1975, 11. Print.

2. *Ibid.*, 54.

3. Kevin was never perfectly clear at trial about the garage. The Black Hole had garage-style roll-up doors, the second Nevin Street garage had barn-style sliding doors. This inconsistency was never fully addressed by police or by Kevin himself.

4. *Ibid.*, 15, 32.

5. *Ibid.*, 46.

6. *Ibid.*, 35–40.

[7.](#) *Ibid.*, 15–17.

[8.](#) *Ibid.*, 57.

[9.](#) *Ibid.*

[10.](#) *Ibid.*, 75–76.

[11.](#) *Ibid.*, 73.

[12.](#) *Ibid.*, 73–75.

[13.](#) *Ibid.*, 72–75.

[14.](#) *Ibid.*, 116.

[15.](#) *Ibid.*, 119.

[16.](#) *Ibid.*, 119–120.

[17.](#) Burkey dep. video.

[18.](#) *Ibid.*

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[1.](#) *Commonwealth vs. Richard Charles Haefner*, Preliminary Hearing, Court of Common Pleas of Lancaster County, 3 Dec. 1975, 22. Print.

[2.](#) *Ibid.*

[3.](#) Cornwall Iron Furnace, “Cornwall Iron Furnace,” [www.cornwallironfurnace.com](http://www.cornwallironfurnace.com), accessed 8/13/11.

[4.](#) *Ibid.*

[5.](#) *Ibid.*

[6.](#) *Ibid.*, 30.

[7.](#) *Ibid.*

[8.](#) *Ibid.*, 32.

[9.](#) *Ibid.*, 11.

[10.](#) *Ibid.*, 33.

[11.](#) *Ibid.*, 34.

[12.](#) *Ibid.*

[13.](#) Randy dep. video.

[14.](#) *Ibid.*, 36.

[15.](#) Phone interview, 2011.

[16.](#) *Commonwealth vs. Richard Charles Haefner*, Criminal Division, Court of Common Pleas of Lancaster County, Jan. 1976.

[17.](#) *Commonwealth vs. Richard Charles Haefner*, Court of Common Pleas of Lancaster County, 3 Dec. 1975, 97–98. Print.

[18.](#) *Ibid.*

[19.](#) *Ibid.*, 97.

[20.](#) *Ibid.*, 98.

[21.](#) *Ibid.*, 103.

[22.](#) *Ibid.*, 102.

[23.](#) *Ibid.*, 96.

### **Chapter 3**

1. Rick Haefner, “Historic Mines of Lancaster County,” author’s personal collection.

2. Don Wise, email, 4/30/10.

3. Dottie Gschwend, email, 5/19/10.

4. Crump dep. video.

5. Right to Know Law request, Lancaster City Police, 1/2/18.

6. *Ibid.*

7. Lancaster Recreation Commission, “Application for Playground Supervisors,” 1961 and 1965.

8. Lancaster Recreation Commission, Recreation Leader’s Rating Scale.

9. *Ibid.*

10. Philip Bomberger III, “Interview notes, 8/30/65,” Lancaster City Police Open Records request, 1/2/18.

11. *Ibid.*

12. *Ibid.*

13. *Ibid.*

14. *Ibid.*

15. *Ibid.*

16. *Ibid.*

17. *Ibid.*

[18.](#) *Ibid.*

[19.](#) Paukovits also revealed that while Rick's mother and father were members, Rick had never been baptized. Perhaps this is why his ashes were never placed below the headstone marker in St. Anthony's Cemetery when he died.

[20.](#) Philip Bomberger III, "Interview notes, 8/30/65," Lancaster City Police Open Records request, 1/2/18.

[21.](#) "Dr. Robert Kurey, Founder of LGH Mental Health Unit," *Lancaster New Era*, obituary, 12/16/93.

[22.](#) Philip Bomberger III, "Interview notes, 8/30/65," Lancaster City Police Open Records request, 1/2/18.

[23.](#) Dr. Robert Kurey, letter dated 9/15/65, to Albert Reese of the LRC.

[24.](#) Philip Bomberger III, "Interview notes, 8/30/65," Lancaster City Police Open Records request, 1/2/18.

[25.](#) Richard Charles Haefner, official transcript, PSU, 8/12/10.

[26.](#) Gil Smart, email, 10/14/10.

[27.](#) Confidential phone interview, 2011.

[28.](#) Joe Head, email, 2/19/12.

[29.](#) Roger Cuffey, phone call, 2010.

[30.](#) *Ibid.*

[31.](#) *Ibid.*

[32.](#) Brenner, phone interview, 8/25/10.

[33.](#) Email from confidential source, 9/15/11.

[34.](#) *Ibid.*

[35.](#) Michael Katuna, email, 10/7/17.

#### **Chapter 4**

[1.](#) Crump dep. video.

[2.](#) *Ibid.*

[3.](#) *Ibid.*

[4.](#) *Ibid.*

[5.](#) *Ibid.*

[6.](#) *Ibid.*

[7.](#) *Ibid.*

[8.](#) *Ibid.*

[9.](#) *Ibid.*

#### **Chapter 5**

[1.](#) Crump dep. video.

[2.](#) Haefner, Ere, dep. 84.

[3.](#) *Ibid.*, 85.

[4.](#) *Ibid.*, 86.

[5.](#) *Ibid.*, 87.

[6.](#) Contempt of court hearing transcript, 2/6/76.

[7.](#) *Commonwealth vs. Richard Charles Haefner*, Court of Common Pleas of Lancaster County, 7 Nov. 1975, 94. Print.

[8.](#) Crump dep. video.

[9.](#) Haefner, Ere, dep. 89.

[10.](#) *Ibid.*, 88.

[11.](#) *Ibid.*, 90.

[12.](#) *Ibid.*, 94.

[13.](#) *Ibid.*, 95.

[14.](#) FBI FOIA request, 8/12/10.

[15.](#) *Ibid.*

[16.](#) Crump dep. video.

[17.](#) “Haefner’s Contempt Hearing Opens,” *Lancaster New Era*, 2/5/76.

[18.](#) Kenneff dep. video.

[19.](#) Contempt of court hearing transcript, 2/6/76.

[20.](#) Crump dep. video.

[21.](#) Crump dep. video.

[22.](#) *Ibid.*

[23.](#) *Ibid.*

[24.](#) *Ibid.*

[25.](#) *Ibid.*

[26.](#) *Ibid.*

[27.](#) *Ibid.*

[28.](#) *Ibid.*

[29.](#) Contempt of court hearing transcript, 2/6/76.

[30.](#) FBI FOIA request, 8/12/10.

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[1.](#) Crump dep. video.

[2.](#) Walters dep. video.

[3.](#) *Ibid.*

[4.](#) *Ibid.*

[5.](#) *Ibid.*

[6.](#) *Commonwealth vs. Haefner*, Court of Common Pleas of Lancaster County, Criminal Division, Jan. 1976. Print.

[7.](#) Walters dep. video.

[8.](#) *Ibid.*

[9.](#) *Ibid.*

[10.](#) *Ibid.*

[11.](#) *Ibid.*

[12.](#) *Ibid.*

[13.](#) *Ibid.*

[14.](#) *Ibid.*

[15.](#) *Ibid.*

[16.](#) *Ibid.*

[17.](#) *Ibid.*

[18.](#) *Ibid.*

[19.](#) *Ibid.*

[20.](#) Crump dep. video.

[21.](#) Walters dep. video.

[22.](#) Contempt of court hearing transcript, 2/6/76.

[23.](#) *Ibid.*

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[1.](#) *Commonwealth vs. George P. Haefner*, No. 3050–1975, Court of Common Pleas of Lancaster County, 4 Feb. 1976, 4. Print.

[2.](#) Haefner, G., dep. 17.

[3.](#) *Ibid.*, 21.

[4.](#) *Ibid.*, 11–14.

[5.](#) *Ibid.*, 32.

[6.](#) *Commonwealth vs. George P. Haefner*, No. 3050–1975, Court of Common Pleas of Lancaster County, 4 Feb. 1976, 5–6. Print.

[7.](#) *Ibid.*, 7.

[8.](#) *Commonwealth vs. George P. Haefner*, No. 3050–1975, Court of Common Pleas of Lancaster County, 3 Feb. 1976, 5–7. Print.

[9.](#) *Ibid.*, 8.

[10.](#) *Commonwealth vs. George P. Haefner*, No. 3050–1975, Court of Common Pleas of Lancaster County, 4 Feb. 1976, 18. Print.

[11.](#) *Ibid.*

[12.](#) *Ibid.*, 22.

[13.](#) *Ibid.*, 27–30.

[14.](#) *Ibid.*, 42.

[15.](#) *Ibid.*

[16.](#) Haefner, G., dep. 48–49.

[17.](#) *Ibid.*, 46.

[18.](#) *Ibid.*, 47.

[19.](#) *Ibid.*, 42.

[20.](#) *Commonwealth vs. George P. Haefner*, No. 3050–1975, Court of Common Pleas of Lancaster County, 3 Feb. 1976, 19. Print.

[21.](#) Haefner, G., dep. 30.

[22.](#) *Ibid.*, 38.

[23.](#) *Ibid.*, 72–75.

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1. Heinly dep. 42.

2. Heinly dep. 6.

3. *Ibid.*, 14.

4. *Commonwealth vs. Haefner*, Court of Common Pleas of Lancaster County, Criminal Division, Jan. 1976. Print.

5. Heinly dep. 8.

6. Contempt of court hearing transcript, 2/6/76.

7. John Price, notarized statement, 5/18/77.

8. Haefner, Ere, dep. 77.

9. Heinly dep. 37.

10. *Ibid.*, 47.

11. *Ibid.*, 109.

12. *Ibid.*, 107.

13. *Ibid.*, 110.

14. *Ibid.*, 111.

15. Heinly dep. 100–102.

16. *Ibid.*, 92.

17. *Ibid.*

[18.](#) *Ibid.*

[19.](#) *Ibid.*, 48.

[20.](#) M. Richard Peters email, 11/29/17.

[21.](#) *Ibid.*, 24.

[22.](#) *Ibid.*, 19.

[23.](#) *Ibid.*, 33.

[24.](#) *Ibid.*, 14.

[25.](#) *Ibid.*, 15–16.

[26.](#) *Ibid.*, 96.

## **Chapter 9**

[1.](#) *Commonwealth vs. Richard Charles Haefner*, Court of Common Pleas of Lancaster County, 7 Nov. 1975. Print.

[2.](#) *Ibid.*, 141.

[3.](#) *Ibid.*

[4.](#) *Commonwealth vs. Richard Charles Haefner*, Court of Common Pleas of Lancaster County, 3 Dec. 1975, 11. Print.

[5.](#) *Ibid.*, 32.

[6.](#) *Ibid.*

## **Chapter 10**

[1.](#) Ere Haefner, last will and testament, 1/25/76.

[2.](#) Contempt of court hearing transcript, 2/6/76.

[3.](#) *Ibid.*

[4.](#) *Ibid.*

[5.](#) *Ibid.*

[6.](#) *Ibid.*

[7.](#) Appel dep. video.

[8.](#) *Ibid.*

[9.](#) *Ibid.*

[10.](#) *Ibid.*

[11.](#) *Ibid.*

[12.](#) *Ibid.*

[13.](#) *Ibid.*

[14.](#) *Ibid.*

[15.](#) *Ibid.*

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[1.](#) *Commonwealth vs. Haefner*, Court of Common Pleas of Lancaster County, Criminal Division, Jan. 1976, 27. Print.

[2.](#) *Ibid.*, 28.

[3.](#) *Ibid.*, 5.

[4.](#) M. Richard Peters interview, 12/1/17.

[5.](#) *Ibid.*

[6.](#) *Commonwealth vs. Haefner*, Court of Common Pleas of Lancaster County, Criminal Division, Jan. 1976, 12–16. Print.

[7.](#) *Ibid.*, 21–22.

[8.](#) *Ibid.*, 32–33.

[9.](#) *Ibid.*, 40–41.

[10.](#) *Ibid.*, 42.

[11.](#) *Ibid.*, 40–45.

[12.](#) *Ibid.*, 46.

[13.](#) *Ibid.*, 49.

[14.](#) *Ibid.*

[15.](#) *Ibid.*, 50.

[16.](#) *Ibid.*, 54.

[17.](#) *Ibid.*, 59.

[18.](#) *Ibid.*, 69.

[19.](#) *Ibid.*, 85.

[20.](#) *Ibid.*

[21.](#) *Ibid.*, 95.

[22.](#) *Ibid.*, 91–97.

[23.](#) *Ibid.*, 103.

[24.](#) *Ibid.*, 111.

[25.](#) *Ibid.*, 117.

[26.](#) *Ibid.*, 118.

[27.](#) *Ibid.*, 125.

[28.](#) *Ibid.*, 126.

[29.](#) *Ibid.*, 135.

[30.](#) *Ibid.*, 139.

[31.](#) *Ibid.*, 140.

[32.](#) *Ibid.*, 141.

[33.](#) *Ibid.*, 143.

[34.](#) *Ibid.*, 153

[35.](#) *Ibid.*, 161.

[36.](#) *Ibid.*, 180.

[37.](#) *Ibid.*, 183.

[38.](#) *Ibid.*

[39.](#) *Ibid.*, 185.

[40.](#) *Ibid.*, 186.

[41.](#) *Ibid.*, 192.

[42.](#) *Ibid.*, 193.

[43.](#) *Ibid.*, 196.

[44.](#) *Ibid.*

[45.](#) *Ibid.*, 199.

[46.](#) *Ibid.*, 220.

[47.](#) *Ibid.*

[48.](#) *Ibid.*, 225.

[49.](#) *Ibid.*, 247.

[50.](#) M. Richard Peters interview, 12/1/17.

## **Chapter 12**

[1.](#) *Commonwealth vs. Haefner*, Court of Common Pleas of Lancaster County, Criminal Division, Jan. 1976, 267–279. Print.

[2.](#) *Ibid.*, 294–307.

[3.](#) *Ibid.*

[4.](#) *Ibid.*, 308–324.

[5.](#) *Ibid.*, 332–339.

[6.](#) *Ibid.*

[7.](#) *Ibid.*

[8.](#) *Ibid.*, 351.

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1. *Commonwealth vs. Haefner*, Court of Common Pleas of Lancaster County, Criminal Division, Jan. 1976, 411. Print.

2. *Ibid.*, 394.

3. *Ibid.*, 397.

4. *Ibid.*

5. *Ibid.*, 399.

6. *Ibid.*

7. *Ibid.*, 400.

8. *Ibid.*

9. *Ibid.*, 401.

10. *Ibid.*

11. *Ibid.*, 402.

12. *Ibid.*

13. *Ibid.*, 405.

14. *Ibid.*, 406.

15. *Ibid.*, 407.

16. *Ibid.*, 411.

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1. *Commonwealth vs. Haefner*, Court of Common Pleas of Lancaster County, Criminal Division, Jan. 1976, 413.Print.

2. *Ibid.*, 415.

3. *Ibid.*, 572.

4. *Ibid.*, 426.

5. *Ibid.*, 428.

6. *Ibid.*, 429.

7. *Ibid.*, 450.

8. *Ibid.*, 451.

9. *Ibid.*, 457–458.

10. *Ibid.*, 458.

11. *Ibid.*, 459–462.

12. *Ibid.*, 463.

13. *Ibid.*, 464.

14. *Ibid.*, 470.

15. *Ibid.*, 471.

16. *Ibid.*, 474.

17. *Ibid.*, 476.

18. *Ibid.*, 479.

19. *Ibid.*

20. *Ibid.*, 483.

- [21.](#) *Ibid.*, 489.
- [22.](#) *Ibid.*, 490.
- [23.](#) *Ibid.*, 479.
- [24.](#) *Ibid.*, 493.
- [25.](#) *Ibid.*, 498.
- [26.](#) *Ibid.*
- [27.](#) *Ibid.*, 499.
- [28.](#) *Ibid.*, 501.
- [29.](#) *Ibid.*, 502.
- [30.](#) *Ibid.*, 507.
- [31.](#) *Ibid.*, 508.
- [32.](#) *Ibid.*, 511.
- [33.](#) *Ibid.*, 518.
- [34.](#) *Ibid.*, 523.
- [35.](#) *Ibid.*
- [36.](#) *Ibid.*, 527.
- [37.](#) *Ibid.*, 529.
- [38.](#) *Ibid.*, 537.
- [39.](#) *Ibid.*, 539.
- [40.](#) M. Richard Peters interview, 12/1/17.

[41.](#) *Ibid.*

[42.](#) *Ibid.*, 565.

[43.](#) *Ibid.*, 576.

[44.](#) *Ibid.*, 577.

[45.](#) *Ibid.*, 580.

[46.](#) *Ibid.*, 581.

[47.](#) *Ibid.*, 582.

[48.](#) *Ibid.*, 583.

[49.](#) *Ibid.*

[50.](#) *Ibid.*, 584.

[51.](#) Gil Smart, “Who Killed Betsy Aardsma?” Lancasteronline.com, 10/10/10, [http://lancasteronline.com/news/who-killed-betsy-aardsma/article\\_960ccf9d-03af-59f4-a8fb-4c5749caff40.html](http://lancasteronline.com/news/who-killed-betsy-aardsma/article_960ccf9d-03af-59f4-a8fb-4c5749caff40.html), accessed 9/30/17.

[52.](#) *Commonwealth vs. Haefner*, Court of Common Pleas of Lancaster County, Criminal Division, Jan. 1976, 589–590. Print.

[53.](#) M. Richard Peters email, 11/29/17.

[54.](#) *Commonwealth vs. Haefner*, Court of Common Pleas of Lancaster County, Criminal Division, Jan. 1976, 591. Print.

[55.](#) *Ibid.*, 592.

[56.](#) *Ibid.*, 593.

[57.](#) *Ibid.*, 597.

[58.](#) *Ibid.*, 598.

[59.](#) *Ibid.*, 600.

[60.](#) *Ibid.*, 606.

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[1.](#) M. Richard Peters interview, 12/1/17.

[2.](#) *Ibid.*

[3.](#) M. Richard Peters email, 11/29/17.

[4.](#) M. Richard Peters interview, 12/1/17.

[5.](#) Heinly dep., 65.

[6.](#) “Haefner’s Jury Fails to Reach Morals Verdict,” *Lancaster New Era*, 2/4/1976.

[7.](#) M. Richard Peters interview, 12/1/17.

[8.](#) Heinly dep. 23–24.

[9.](#) Haefner, Ere, dep. 81.

## ***Chapter 16***

[1.](#) Haefner, George, dep. 63.

[2.](#) *Ibid.*

[3.](#) *Ibid.*, 67.

4. *Ibid.*, 68–70.

5. *Ibid.*, 71.

6. *Ibid.*, 72–73.

7. Geesey’s investigation report from the Hess matter states that Hess first said he saw “two bills,” then later testified to an exact amount, which even Rick’s attorney thought was odd.

8. Janet Kelley, “Case Closed? Not for This Guy,” *Lancaster New Era*, 7/5/08, [http://lancasteronline.com/news/case-closed-not-for-this-guy/article\\_a184b72d-4d75-5a54-b187-5d2c23061992.html](http://lancasteronline.com/news/case-closed-not-for-this-guy/article_a184b72d-4d75-5a54-b187-5d2c23061992.html), accessed 2/11.

9. Geesey dep. video. Yet, he was the officer who had allegedly provided a Miranda card to Appel during Steve Groff’s testimony.

10. *Ibid.*

11. *Ibid.*

12. *Ibid.*

13. *Ibid.*

14. *Ibid.*

15. *Ibid.*

16. *Ibid.*

17. *Ibid.*

18. Lancaster Documents dep. video.

19. Geesey dep. video.

20. *Ibid.*

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1. David P. Schuyler, The Lancaster County Prison, <https://www.fandm.edu/david-schuyler/lancaster-in-1850/the-lancaster-county-prison>, accessed 11/24/17.

2. “History of the Prison,” <https://www.co.lancaster.pa.us/DocumentCenter/View/330>, accessed 12/27/17.

3. FBI FOIA request, 8/12/10.

4. County of Lancaster FOIA request, 11/16/17.

5. Haefner, Ere, dep. 93.

6. County of Lancaster FOIA request, 11/16/17.

7. Haefner, Ere, dep.46.

8. *Ibid.*, 42–46.

9. *Ibid.*, 40.

10. FBI FOIA request, 8/12/10.

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## **Chapter 18**

1. Kenneff dep. video.

2. *Ibid.*

[3.](#) *Ibid.*

[4.](#) *Ibid.*

[5.](#) *Ibid.*

[6.](#) *Ibid.*

[7.](#) *Ibid.*

[8.](#) *Ibid.*

[9.](#) *Ibid.*

[10.](#) *Ibid.*

[11.](#) Kenneff was five years younger than Rick Haefner and attended Sacred Heart Catholic School at 235 Nevin Street, literally down the block from the Haefner home. He would have been of the correct age to have known some of the boys Rick molested from Sacred Heart, as he would have been a classmate. It is possible he was aware of Haefner but simply did not testify as such or want to reveal that information in his deposition.

[12.](#) *Ibid.*

[13.](#) Kenneff dep. video.

[14.](#) *Ibid.*

[15.](#) Crump dep. video.

[16.](#) *Ibid.*

[17.](#) Christopher Raab, email, 10/9/17.

[18.](#) Kenneff dep. video.

[19.](#) *Ibid.*

20. *Ibid.*

21. Lancaster City Police Right to Know Law request, 1/2/18.

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1. Penn Law, “Murder Most Foul: My Most Famous and Interesting Murder Prosecutions,” 5/8/99, <https://www.law.upenn.edu/live/news/1777-murder-most-foul-my-most-famous-and-interesting>, accessed 7/7/10.

2. *Ibid.*

3. Mike Leary, “An Odd Case—Sprague on Defense,” *Philadelphia Inquirer*, 5/23/76.

4. Sprague dep. video.

5. John Williams, “Interview with Richard Sprague,” <https://kennedysandking.com/john-f-kennedy-articles/interview-with-richard-sprague>, accessed 10/17/12.

6. Heinly dep. 101.

7. Berger & Montague, “Case Portfolio,” <https://www.bergermontague.com/cases?lcs=28>, accessed 10/17/12.

8. Sprague dep. video.

9. *Ibid.*

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[18.](#) *Ibid.*

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[21.](#) *Ibid.*

[22.](#) *Ibid.*

[23.](#) *Ibid.*

[24.](#) *Ibid.*

[25.](#) *Ibid.*

[26.](#) *Ibid.*

[27.](#) Telephone conversation with Thomas Sprague, fall 2011.

[28.](#) Sprague dep. video.

[29.](#) *Ibid.*

[30.](#) Kenneff dep. video.

[31.](#) Haefner, George, dep. 76.

[32.](#) Confidential telephone interview, 7/23/10.

[33.](#) *Haefner vs. Los Angeles County*, 804 F.2d 145, Vol. 85-5629, 28 Oct. 1986.

[34.](#) Richard Haefner, suicide note, received 10/11.

[35.](#) *Haefner vs. City of Lancaster, PA*, Civ. A. No. 83-604, 566 F. Sup. 708 (1983). June 22, 1983. Print.

[36.](#) Crump dep. video.

[37.](#) *Ibid.*

[38.](#) *Ibid.*

[39.](#) Sprague dep. video.

[40.](#) M. Richard Peters interview, 12/1/17.

[41.](#) Randy dep. video.

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[1.](#) Appel dep. video.

[2.](#) *Ibid.*

[3.](#) *Ibid.*

[4.](#) FBI FOIA request, 8/12/10.

[5.](#) Heinly dep. 21.

[6.](#) Kenneff dep. video.

[7.](#) “Lawyers Join in Search for Missing Recordings,” source unknown.

[8.](#) Gil Delaney, “County Judges, Ex-Stenographer Sued Over Missing Recordings,” *Lancaster Intelligencer Journal*, date unknown.

[9.](#) Geesey dep. video.

[10.](#) Kenneff dep. video.

[11.](#) *Ibid.*

[12.](#) Geesey dep. video.

[13.](#) *Ibid.*

[14.](#) *Ibid.*

[15.](#) Appel dep. video.

[16.](#) Unofficial trial transcript, Office of the District Attorney of Lancaster County, FOIA request, 5/13/11.

[17.](#) *Commonwealth vs. Richard Charles Haefner*, Criminal Division, Court of Common Pleas of Lancaster County, Jan. 1976, 583.

[18.](#) *Ibid.*, 583–584.

[19.](#) Kenneff dep. video.

[20.](#) *Ibid.*

[21.](#) Kenneff dep. video.

[22.](#) Crump dep. video.

[23.](#) *Ibid.*

[24.](#) Madenspacher dep. video.

[25.](#) Kenneff dep. video.

[26.](#) Madenspacher dep. video.

[27.](#) Heinly dep.

[28.](#) *Ibid.*, 48–50.

[29.](#) *Ibid.*

[30.](#) *Ibid.*, 21.

[31.](#) *Ibid.*, 85–86.

[32.](#) *Ibid.*

[33.](#) Heinly dep. 55.

[34.](#) *Ibid.*, 70–71.

[35.](#) Crump dep. video.

[36.](#) *Ibid.*

[37.](#) *Ibid.*

[38.](#) *Ibid.*

[39.](#) *Ibid.*

[40.](#) Kenneff dep. video.

[41.](#) Crump dep. video.

[42.](#) Appel dep. video.

[43.](#) *Ibid.*

[44.](#) Kenneff dep. video.

[45.](#) Appel dep. video.

[46.](#) *Ibid.*

[47.](#) *Commonwealth vs. Haefner*, 470 Pa. 392 (177) 368 A. 2d 686, 1/28/77.

[48.](#) M. Richard Peters email, 11/29/17.

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3. Confidential telephone interview, 2011.
4. Alice Dreger, “Meet the Hebephiles.” *Psychology Today*, 7/16/10.  
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Aardsma, Betsy

Alspach, District Attorney

American Psychiatric Association

American Society of Mechanical Engineers

Appel, Judge Anthony

Army & Navy Store

Berger & Montague (law firm)

Bicentennial

Bise, Willie

Bismoline powder

Black Hole,

Blue Ball Limestone Quarry

Blue Ridge Summit, PA

Bomberger, Philip

Bonanza Buckets

Boy Scouts

Boyle, Tony

Brenamen, Officer

Brian (friend of Kevin Burkey)

Buchanan, James

Bucher, Judge Wilson

Bunker Mortuary

Burke, James "Jim"

Burkey, David "Dave"

Burkey, Eileen

Burkey, Kevin

Carnation Milk

Cassidy, David

Cedar Hill Quarry

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Cocalico sandstone

Cohen, Dr. Leonard Marlin

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Electrolux store

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Feather, Howard

Franklin, Benjamin

Franklin and Marshall College

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Freedom of Information Act (FOIA)

Freiler, Robert, Jr.

Freiler, Robert, Sr.

Geesey, Detective Joseph

Gettysburg, PA

Goeke, Captain Walter

Goldwater, Barry

Grim, Sergeant Bernie

Groff, Steve

Haefner, "Bumper"

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Haefner, Ere

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Haefner, George, Sr.

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Jackson, Pearly Mae

Jenkins, Philip

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Lancaster Children and Youth Service

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Lancaster County

Lancaster County Courthouse

Lancaster County Courts

Lancaster County District Attorney's Office

Lancaster County Prison

Lancaster Recreation Commission

Las Vegas, NV

Lebanon, PA

Lebanon Valley College

Lees, District Magistrate

Lemon Street

Lititz, PA

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Madison Street

Magnavox

Marshall, John J

Mccaskey High School

McMartin Preschool

McMullen, Cadet James

Mercersburg, PA

Mid-Hudson Gem and Mineral Society

Millersville University

Minkin, Michael

Miranda Rights

Morgan, Roda, Hallgren, Heinly (law firm)

Moss, Dr. John

Mumma, Clyde

Mumma, Court Reporter Kathleen

Nakauriite

National Honor Society

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Nevin Street

Nevin Street garage

North Museum

Obsidian

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Park City Mall

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Paukovits, Father John

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Penn, William

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Penn State University

Pennsylvania State Supreme Court

Pennsylvania Superior Court

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Peters, M. Richard

Phelan, Frank "Birdman"

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Pratter, Gene

Price, Dr. John

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Queen Street

Quill and Scroll

Randy (second molestation accuser)

Reedy, Arnold

Reynolds Middle School

Roberts, Justice Samuel J.

Roda

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Sacred Heart Catholic Church

St. Joseph's Hospital

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Shertzer, Sergeant

Simonetti, Cyril

Smithsonian Institute

Snoke, Orville

Snyder, Sergeant Edward

Specter, Senator Arlen

Speed's Sub Shop

Sprague, Attorney Richard

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State University of New York–New Paltz

Stedman, DA Craig

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Thompson, S.J., Sr.

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University of Charleston

University of Southern California–Los Angeles

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Vietnam War

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Walters, Detective Jan

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Warwick High School

Washington, D.C.

West Lebanon Township

Wharton School

Wheatland Mansion

Wray, Patricia

Yablonski, Joseph

YMCA, Lancaster

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