

Macky Auditorium

A look into the reported paranormal activity



Prepared by
Rocky Mountain Paranormal

History of the Macky



Mr. Macky decided to make a major contribution to the University. Within three months, Macky's will was drawn and in it was a \$300,000 gift from his estate.

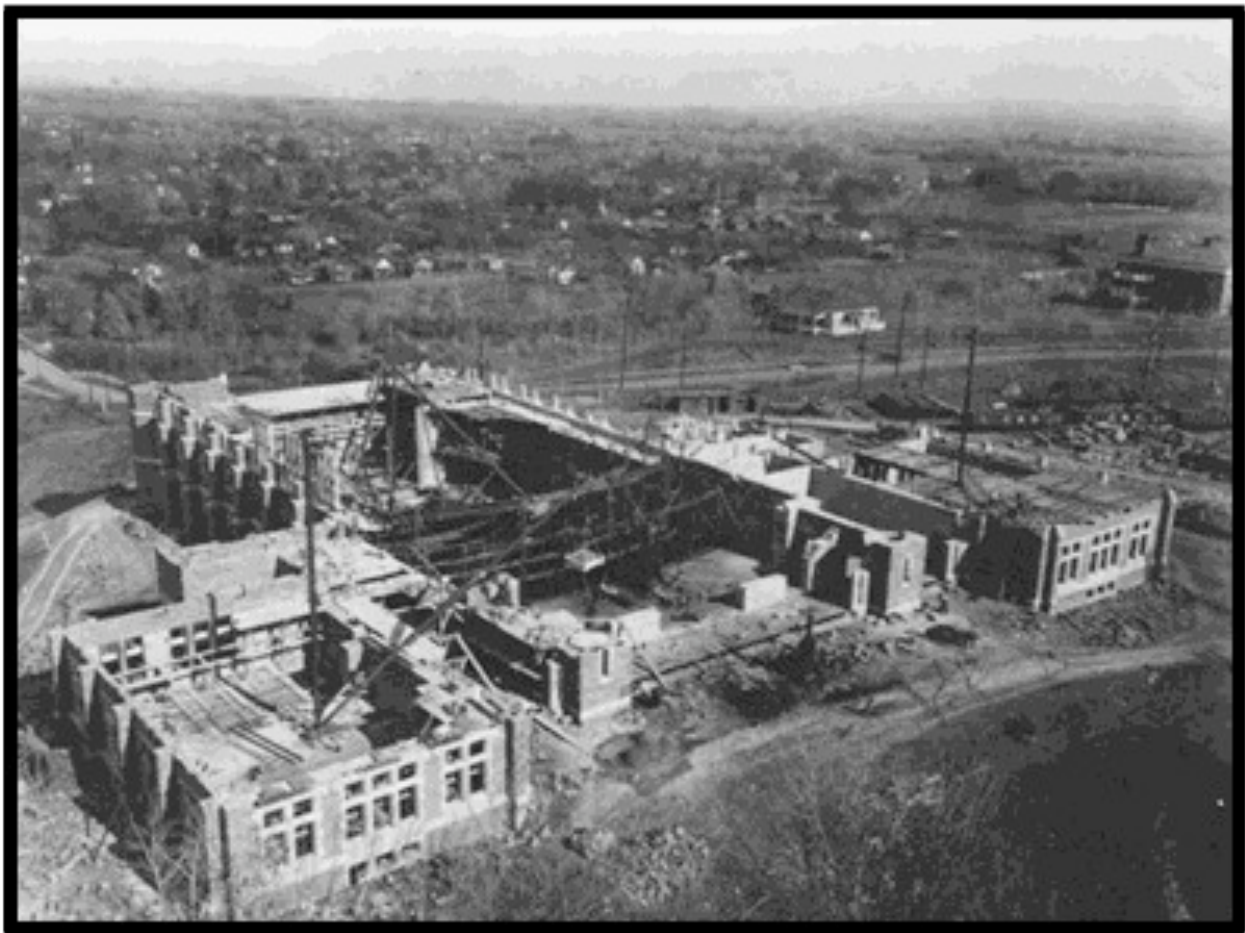
After Macky's death, CU President Baker asked architects Gove and Walsh of Denver to combine features of buildings he had seen and admired in his travels abroad - the Palazzo Vecchio in Florence, Italy; the King's Chapel in Cambridge, England; the Magdalene Tower in Oxford, England; a Princeton campus building and a New York City church.

"Photographs were turned over to the architects, Gove and Walsh, with the request to harmonize the elements, if possible, and make 'something different.' The result seems to be generally approved."

Since it opened in 1877, the campus northwest of Denver has been called one of the most beautiful universities in the United States. And Macky Auditorium, added in 1923, is one of the most attractive and best-known of the buildings. As with the rest of CU, the architecture suggests medieval Europe, built of sandstone and brick with neo-gothic towers



Mr. Mackey



A photograph of the Macky during construction

The Murder



Elaura Jacquette

On July 6, 1966, a 20-year-old zoology major named Elaura Jeanne Jacquette was having her lunch and bird-watching on the grass near Mackey while she waited for a couple of children she babysat to get out of a movie at a nearby theater watching *The Amazing Mr. Limpett*. The remains of her lunch, her binoculars, and her wallet were found there, near the little irrigation channel that runs between the Guggenheim and Hale buildings.

Her body was discovered later that afternoon by a couple of students in the isolated organ recital room of the west tower of Mackey Auditorium. Elaura had been raped and beaten to death so ferociously several of her teeth were knocked out. Someone had tried to set her face on fire, possibly to hide her identity, but the blood had thwarted the attempt.

A police investigation concluded Elaura had tried to crawl away from her attacker, who had swung her by her feet until her blood splattered as high as seven feet on most of the room's walls.

The Police report & Court case

More than 1,000 people were interviewed and 30 days later, a campus janitor named Joseph Dyre Morse was arrested. Morse, 37, had two teen-age daughters who had seen their dad on the day of the murder carrying a bucket of bloody clothing. The print on a plywood board found at the crime scene also matched one of Morse's hands.

It turned out the normally placid and unremarkable janitor had a raging inner beast that was unleashed by alcohol. Witnesses saw him drinking at a bar near the campus that day, and stories of drunken passes at women and incidents of violence later came to light.

Morse was sentenced to 888 years in prison. He claimed innocence until 1980 when he finally made a terse confession. He met Elaura when she worked at the CU admissions office. He never said how he lured her up the winding stairs of the west tower and into the organ recital room, but Elaura had been an accomplished singer and pianist and loved music. He may have made some excuse based on that.

Once he had her in Macky, Morse said, he made sexual advances which she rejected. And then, he said, "Things got out of hand." He refused to say anything more and died in prison in 2005 at age 77.

The Appeal

Robert L. Pitler, Denver, Colo., for plaintiff-appellant.

E. Ronald Beeks, Asst. Atty. Gen. (John P. Moore, Atty. Gen., and John E. Bush, Deputy Atty. Gen., on the brief), for defendant-appellee.

Before LEWIS, Chief Judge, and MOORE* and DOYLE, Circuit Judges.

WILLIAM E. DOYLE, Circuit Judge.

The judgment which the appellant here seeks to reverse is that of a denial of his petition filed pursuant to [28 U.S.C. 2254](#), wherein he prayed for the issuance of a writ of habeas corpus releasing him from confinement in the Colorado State Penitentiary. This petition was filed January 29, 1973 and the trial court rendered its opinion denying it on June 1, 1973.

Defendant was convicted in State District Court on a charge that he murdered one Elaura Jeanne Jaquette on July 9, 1966. The Supreme Court of Colorado affirmed the conviction on March 24, 1969. See 168 Colo. 494, 452 P.2d 3. After that, a Rule 35(b) case was filed in State District Court which raised points and contentions which had not been brought to the attention of the Colorado court on the writ of error. The trial court fully considered these additional contentions and denied relief. Again, the Colorado Supreme Court affirmed this decision in *Morse v. People*, 501 P.2d 1328 (1972). Soon thereafter, the 2254 petition was filed in the District Court for the District of Colorado, and we now review the judgment rendered in that proceeding.

On the original appeal the Colorado Supreme Court refused to consider the two issues mentioned above because of failure to raise them in the trial court. The inadequate record also precluded the requested review. The contentions were considered in a subsequent review and were determined to be wholly lacking in merit.

The main contentions are, first, that the appellant's constitutional rights were violated as a result of the admission at the trial of depositions of his daughters which contained evidence which strongly inculpated him. In this connection, a related argument is that his right to confront witnesses as guaranteed by the Sixth Amendment to the Constitution of the United States was violated.

Second, that at the original trial appellant's right to be represented by counsel was violated in that the counsel assigned to him were ineffective.

Still a further point is that appellant's rights under the Fifth and Fourteenth Amendments were violated because, according to the argument of the present counsel, he was not given adequate Miranda warnings

In the second opinion of the Supreme Court of Colorado and that of the United States District Court as well, the issues which are now raised were fully explored and tested. Furthermore, a careful consideration of the record in the District Court fails to show any meritorious basis for the granting of relief.

We shall nevertheless comment briefly on the points advanced.

The argument and contention concerning the alleged prejudice arising from the use of the depositions of defendant's minor daughters stem from the provision of the Colorado Constitution,

Article II 17, which contains a prohibition against the use of depositions if the presence of witnesses can be obtained. Such an issue is not here appropriate, however, unless it contravenes the Constitution of the United States.

Our inquiry is, of course, limited to whether appellant's federally protected rights were violated and with particular reference to appellant's rights granted by the Fourteenth Amendment, for obviously the state court's decision construing and applying its Constitution cannot be reviewed for the purpose of determining whether it is erroneous. However, the defendant is not precluded from arguing that there has been a violation of his constitutional rights, even though the basic violation relied on is Article II 17 of the Colorado Constitution, *supra*, and there is no problem here of failure to exhaust state remedies nor intentional bypass thereof. Cf. *Fay v. Noia*, [372 U.S. 391](#), 83 S.Ct. 822, 9 L.Ed.2d 837 (1963). See also *Henry v. Mississippi*, [379 U.S. 443](#), 85 S.Ct. 564, 13 L.Ed.2d 408 (1965).

It is to be noted that the deponents were minors, one being 12 years old and the other 17. At the 35(b) motion hearing the judge found that there was ample opportunity for the defendant through his counsel to object to the introduction of these depositions but he did not do so. The judge also called attention to the fact that the testimony given was highly prejudicial to the defendant.

He summarizes it as follows:

That the testimony contained in the depositions, in summary, is that on the day of the murder, the defendant arrived home late in the afternoon; that he was wearing clothes which were ill-fitting;

that he had his clothes in a bucket in which some fluid was contained; that he was bare footed; that his shoes were muddy and matted with what appeared to be blood; that he requested his daughter to wash his clothes for him and clean and shine his shoes, which she did; and that he later put the clothes he had worn home into the incinerator and burned them.

The trial court in the Rule 35(b) hearings also took notice of the fact that there was evidence at the trial of concern for the juvenile witnesses on the part of the judge and the attorneys on both sides because of the trauma to both the defendant-father and the daughters which would flow from the reading of these depositions. The court made the obvious observation that there would have been additional trauma had the testimony been presented live. The opinion of Mr. Justice Erickson, in reviewing the 35(b) motion wherein he wrote that the deposition route was taken as a matter of strategy, was fully supported.

In view of these facts, we are unable to perceive federal constitutional basis.

It is argued that the right granted by the Colorado constitutional provision is absolute and not subject to waiver. We disagree. The clause of Article II 17 dealing with the use of a deposition is an incidental provision. The main thrust of the section is prevention of imprisonment of a witness who cannot give bond or security for his or her appearance and thus the clause limits use of the testimony of an itinerant witness. This very clause allows the defendant to secure the presence of the witness if he wishes. Reading the provision in its entirety and considering its object and purpose, we are convinced that there could be a waiver and that indeed there was.

Nor is there any merit to the contention that the defendant's right to confront the witnesses was infringed. The object of the confrontation provision of the Sixth Amendment is to insure the right of examination and cross-examination. An early decision mentioned that its object was prevention of 'depositions or ex parte affidavits . . . being used against the prisoner in lieu of a personal examination and cross-examination of the witness, in which the accused has an opportunity, not only of testing the recollection and sifting the conscience of the witness, but of compelling him to stand face to face with the jury in order that they may look at him, and judge by his demeanor upon the stand and the manner in which he gives his testimony whether he is worthy of belief.' *Mattox v. United States*, [156 U.S. 237](#), 242-243, 15 S.Ct. 337, 339, 39 L.Ed. 409 (1895). The Supreme Court has also held, however, that the right may be waived, but it must be uncoerced waiver. See *Brookhart v. Janis*, [384 U.S. 1](#), 86 S.Ct. 1245, 16 L.Ed.2d 314 (1966).

The case most often cited in support of exclusion of the testimony is *Pointer v. Texas*, [380 U.S. 400](#), 406-407, 85 S.Ct. 1065, 13 L.Ed.2d 923 (1965). The complaining witness in that case had testified at a preliminary hearing at which defendant was not represented by counsel and had not cross-examined. By the time of trial, the witness had left the state and no effort had been made to secure his presence. See also *Barber v. Page*, [390 U.S. 719](#), 725, 88 S.Ct. 1318, 20 L.Ed.2d 255 (1968) in which the preliminary hearing testimony of a witness who was in a federal prison was offered; the Supreme Court held that such testimony could not be used because the witness was not unavailable. See also *Mancusi v. Stubbs*, [408 U.S. 204](#), 92 S.Ct. 2308, 33 L.Ed.2d 293 (1972). But see *Dutton v. Evans*, [400 U.S.](#)

[74](#), 91 S.Ct. 210, 27 L.Ed.2d 213 (1970) and *California v. Green*, [399 U.S. 149](#), 155-156, 90 S.Ct. 1930, 26 L.Ed.2d 489 (1970), wherein prior hearsay statements of a witness were ruled admissible, notwithstanding that he claimed at the trial that because he was under the influence of LSD at the time of the occurrence he could neither deny nor affirm the truth of the prior statements which were offered and received; the witness was present at trial and was subject to cross-examination.

A final contention of appellant that his rights were violated in connection with the obtaining of post arrest statements is also without merit. He, of course, contends that he was not given adequate warning. However, the record belies this. As the Supreme Court of Colorado noted in the first review, following the defendant's arrest the first thing that the officers did was to read and explain the so-called advisement form, which form was signed by the defendant. The Court further noted that the appellant was readvised on several occasions and signed one or two of the so-called advisement forms. Soon after his arrest he was taken before the municipal judge at Boulder and was again advised of his constitutional rights and of his right to counsel. In the light of this, it is impossible to hold that the defendant's constitutional rights were violated.

There is no merit in any of the petitioner's contentions. Hence, the judgment of the District Court should be and the same is hereby affirmed.

The Conclusion & Memorial

Oct. 14, 2006, he and the Jacquette family had the satisfaction of seeing a sandstone memorial installed on the grassy area

where Elaura was last seen. It was her birthday, and had she lived she would have been 61.

"She was such a good student who spent as much time serving the Lord as she did in school," said her mother Opal Jaquette

A brass plaque has been placed on the rock with the victim's name and a quote from poet Theodore Roethke, "It is neither spring nor summer: it is always."

"For the family, there has never been closure," Cass said. "Maybe this plaque will allow that to happen."

Opal Jaquette keeps mementos of her daughter in a black three-ring binder. Often looked at and much cherished, the scrapbook is filled with Elaura's belongings that were taken from three stuffed boxes in her family's home in Fruitvale, just east of Grand Junction.

Elaura's report cards, pages from her school planner, Bible certificates and programs from her piano recitals fill the binder.

One page holds a wedding anniversary card Elaura bought for her parents. The card is blank.

She bought it in advance and died six months before her parents could celebrate their 22 years of marriage.

"She was always thoughtful," said Opal.

Elaura loved to sing and often performed in solos and duets at church. She had just started skiing and wanted to one day become a biology teacher.

She worked various jobs and earned extra cash one summer by picking fruit from cherry trees to help pay for contact lenses.

Opal finds it easy to talk about her daughter because she had to stay strong for the other two children she and her husband, Frank, raised. The couple ran a wholesale flower business.

After their daughter's death, the family moved to Guam to cope with their loss.

"You don't give up," said Opal. "You keep going. Getting away helped."

Twenty-two years later, the Jaquettes moved back to western Colorado.

But the pain lingers for Frank Jaquette. Frank, a former math teacher at Grand Junction High School, chose not to talk about his daughter.

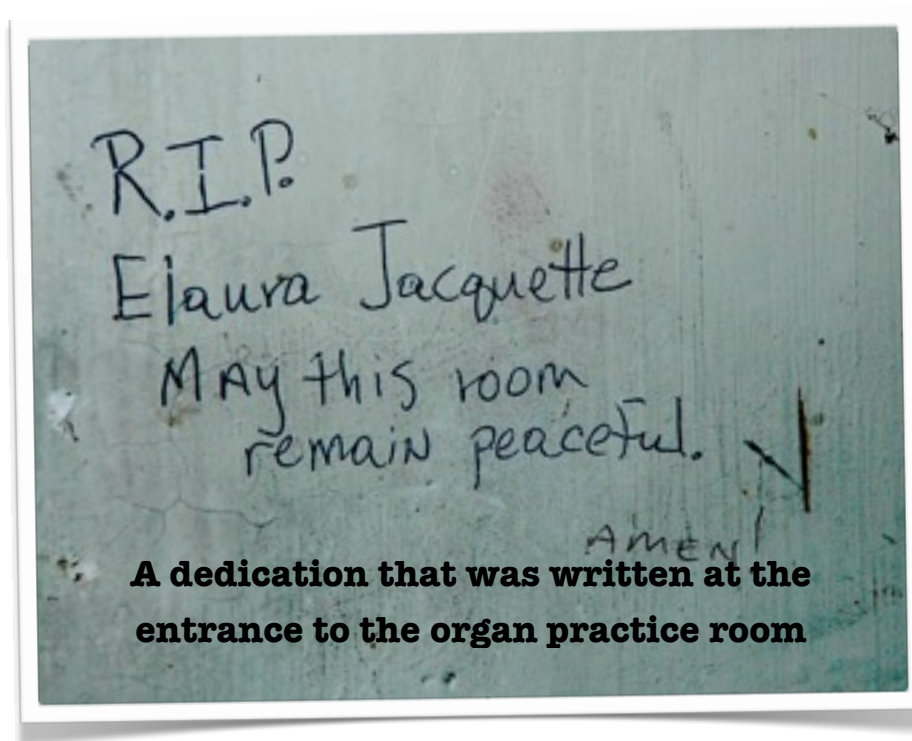
"Frank has had a hard time for 40 years," said Opal. "He is not doing well. Enough said.

Whatever odd and unexplained things might be happening in Macky Auditorium, the friends and kin of Elaura Jaquette want you to know her spirit has graduated and moved on.



The appearance of the room at the time of the murder

Reported Paranormal Activity



- * Reports of a Woman being seen throughout the Auditorium
- * Reports of a Man in a brown Suit wandering the Auditorium
- * Reappearing Blood stains on the wall of the Organ room
- * The sound of footsteps coming from unoccupied areas
- * The sound of Organ music when there is nobody around
- * The sound of talking and singing
- * Reports of electrical appliances and lights turning on and off

Additional Notes



“The whole room was cleaned up and painted over,” says Alan Cass. “I saw it soon after, and you’d never know what had happened there. Later, it was turned into an office for a retired professor, and he’s put the place off limits because he wants to keep his privacy. But plenty of people have had keys to the place, and probably looked in or gave looks to others. I think I know why they thought bloodstains kept reappearing on the walls.”

Macky Auditorium Concert Hall has been the site of appearances by artists such as Harry Belafonte, Benny Goodman, Herbie Hancock, Yo Yo Ma, Wynton and Branford Marsalis, Penn and Teller, Tori Amos, REM, and many others. Macky has also featured talks by the Dalai Lama, Dr. Jane Goodall, and Archbishop Desmond Tutu.

Macky has also been the site of non-performance incidents. In 1953, someone made it to the top of the towers, by climbing the



Stu at the practice organ

walls without any equipment. In 1969, Students for a Democratic Society rioted at a lecture by S. I. Hayakawa, throwing lighted cigarettes, folding chairs, and a bottle at him. In 1971, several hundred unruly students attempted to crash a sold-out Neil Young concert, breaking the glass in the foyer doors, and fighting off police armed with fire-hoses.

Technical director of Macky Auditorium, J P Osnes, says that an increased amount of break-ins and vandalism occur during the weeks that prelude and follow Halloween.

Osnes and Cass are quick to dispel any claims of any paranormal presence.

"I can assure you from one who has spent hundreds of nights in the Concert Hall in the last 25 years, that it is haunted by nothing other than musicians, performers, stage hands and me," Osnes said.

Cass says he believes the ghost stories make light of a terribly tragedy.

"I quite frankly have been concerned about these ghost stories," Cass said. "That's not how (Elaura) should be remembered."

Those familiar with her case and her family say the murdered student would not be the type supposed to haunt the scene of her death. Elaura was a devout Christian, they say. She would have forgiven her killer and been eager to be with her Lord.

A family friend who wished to remain anonymous says, "If ghosts are supposed to haunt the scenes of their demise because of the horrific nature of the crime that happened there, or their inability to accept their death, then that wouldn't have been her."

Of course, that might not be the case with her killer.



The practice organ



Chair holding EMF meter & control object

William S. Lovell, PhD

(The decision to turn to the law rested in part on Bill's feeling that his education in philosophy had not really

encompassed the law (other than Aristotle), so he would learn the philosophy of science straight hand.

Another impetus for going to law school, Bill "confesses," was that while in Colorado he had serve as foreman of the jury in the trial of Joseph Dyer Morse for the rape and murder of Elaura Jean Jacquett, with Morse, at last word, still in prison after

somewhere around 40 years ago. If that had happened after Bill got married, he would not have been on that jury -- not that his later-wife Margaret would have objected, but rather because the murder occurred in one of the organ practice rooms at the University of Colorado, Boulder, and Margaret had been a music student and had practiced in that room. Any thinking defense attorney would have had Bill heading for the parking lot. (The grapevine around Boulder says that Morse finally admitted the crime.) That kind of experience will certainly



**The tower stairs looking down
at the organ practice room**

jangle the higher level brain circuits, and Bill had said, "now's the time to learn the law.")

Bryan & Baxter visited the Macky and the room where the murder took place to discuss the logistics and meet the person in charge of

the location. After the meeting we toured the location and determined some of the areas that we would be able to locate equipment during the on site investigation.

It was determined that it would require several days of monitoring the location to collect enough data to gather accurate baselines for the location.

We scheduled a 3 day period to conduct the investigation.



Stairs leading to the tower

On-site Investigation

The investigators present for the on site investigation was:

Bryan Bonner

Matthew Baxter

Carol Olivacz (Not at the location on Sunday night)

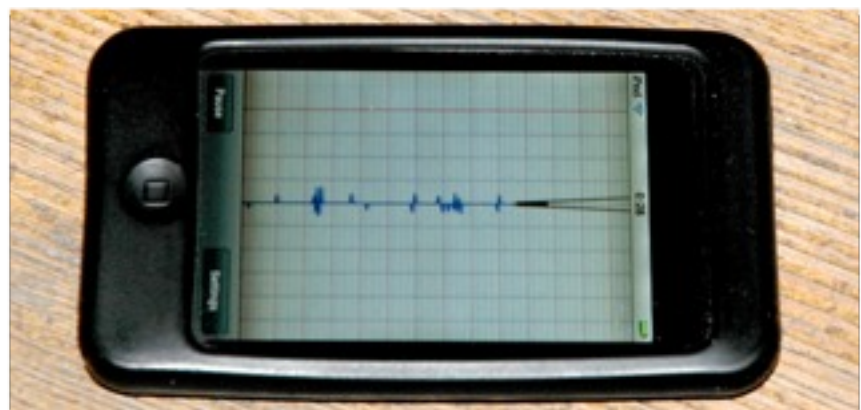
Stuart Hayes

Nitor

The team arrived at 9:00 p.m. on Friday evening and conducted initial baseline readings as well as making final determination for the locations of the equipment that would be used to monitor the location.

The first night we located the base-monitoring location on the east side of the main stairs opposite the door to the tower. On Sunday night we moved the location of the base-monitoring location to the West wall of the stairs just next to the door to the tower stairs.

The reason for the relocation of the equipment on Sunday was due to a production crew filming on the second floor of the auditorium. The filming lasted the entire night.



A seismograph shows the constant vibration of the building

Pre-investigation

The equipment used and the locations of the equipment:

- * Video camera/Camcorder - located on the landing just below the base-monitoring location. The camera was facing down the hallway towards the entrances to the auditorium. On Sunday this camera was moved to the door of the organ practice room covering the entire room.
- * Video camera/Camcorder - located at the door of the tower looking back towards the base-monitoring location. This camera was moved on Sunday to the North East corner of the stairs to monitor the base-monitoring location.
- * Video camera/Camcorder - located 10 feet away from the door of the tower looking back towards the door.
- * Video camera/Camcorder - located at the base of the stairs in the tower looking up.
- * Video camera - located at the North top of the pipe room in the tower room looking down at the location where the practice organ was originally located.
- * Video camera - located at the South top of the pipe room in the tower room looking down at the location where the practice organ was originally located.
- * Video camera - located on the bookshelf on the East side of the room looking at the entire room.
- * Video camera - located just outside the pipe room looking into the pipe room.
- * Video camera - located in the South West corner of the room looking at the entire room.
- * Video camera - located at the door to the organ practice room looking at the entire room.
- * Video camera - located at the top of the tower stairs looking down.

- * Microphone - located on the landing just below the base-monitoring location. On Sunday this microphone was moved to the door of the organ practice room.
- * Microphone - located at the base of the stairs.
- * Microphone - located in the middle of the organ practice room.
- * Microphone - located on the bookshelf on the East side of the organ practice room.
- * Natural EMF meter - located on the bookshelf on the East side of the organ practice room.
- * Natural EMF meter - located in the middle of the organ practice room on a wood chair.
- * Natural EMF meter - located on the practice organ located in the North East corner of the room.
- * Temperature sensor - located in the tower stairs near the entrance of the organ practice room.
- * Temperature sensor - located at the base-monitoring location.
- * Control object (Ball) - located on the chair in the middle of the organ practice room.
- * Control object (Ball) - located on the bookshelf on the South side of the organ practice room.
- * Control object (Ball) - located on the organ located in the North East corner of the organ practice room.
- * Tri-Field A/C meter - used to sweep the entire area being monitored to determine if any man made sources of EMF are present in the location.
- * A/C-D/C Multimeter - used to monitor the quality of electricity at the location.
- * Nikon D-70 camera - used to document the entire location throughout the entire investigation.
- * Handheld video camera - used to document the investigation.
- * 3 seismometers - used in various parts of the location

Carol & Stu at the Monitoring location



During the investigation we several different people (students) that were apparently planning on breaking into the location and going to the tower room. Some of these people had even gone as far as to bring sleeping bags.

During the initial sweeps for EMF it was determined that the location has no unusual natural or man made fields.

After the equipment was set up the EMF readings were taken again and it was determined that the equipment had no noticeable effects on the readings.

The EMF (natural and man made) readings were unremarkable throughout the investigation with the exception of two different events. The first noted change in the EMF was on Friday night when Bryan & Baxter were in the organ practice room. It was %%% in the morning when all three meters started randomly detecting low levels of EMF (.5 - 1 milligauss), this lasted for approximately five minutes and no source could be determined. The second noted change was on Sunday when all three meters recorded a large fast fluxuation in EMF (Approximately 3 milligauss). It was noted that just after the spike in EMF we all heard thunder. This spike in the EMF was caused by Thunder-Snow that was happening nearby. The average EMF reading was less than .5 milligauss throughout the investigation.

We monitored the locations power in an attempt to determine if "Dirty power" could be a possible factor in some of the claims of electrical problems. Throughout the investigation there was a variance in the voltage at the location from 102 volts to 117 volts.

Temperatures in the location were steady and we noted no variances throughout the entire investigation. The temperature was within a 5 degree variance around 75 degrees.

Audio during the entire investigation was unremarkable. We noted the sounds of cars passing by. The building made very loud creaks due to structural settling and contraction/expansion caused by the difference between the warm inside and the cold (snowy) outside temperatures. On Sunday just before the

Thunder-Snow storm reached the location the wind started to pick up a little and the sounds in the organ practice room increased to the point of it sounding like there were people in the room. The wind caused the windows to pop and whistle extremely loud. The radiators located in the organ practice room



Stu & Baxter at work

started to heat up late Friday evening. When they reached operating temperature the pressure relief valves on them made noise that sounded like music or a crowd or people.

The video recorded showed no unusual happenings throughout the entire investigation.

None of the control objects showed any signs of movement.

Throughout the investigation we monitored the vibration of the building with the seismometers and noted that everywhere we set one of the units we found a very low vibration.



Stu & Baxter investigate the location of the original practice organ

Conclusions

While the Mackey has a reputation for being an extremely active haunt we found nothing unusual.

Data collected during the investigation did provide some possible



The South wall of the organ practice room

explanations for the reported activity at the location.

The sounds that the radiators made were very unusual and we assume that the radiators in the organ practice room are not the only ones that make this sound.

Given that assessment

we see how it could be mistaken for the sounds of people talking or even singing/music playing.

The variance in the electricity in the building could account for the reported electrical problems such as lighting and equipment turning on and off by themselves.

The sounds that were caused by a very minor wind could be mistaken for the sounds of singing and people walking around in the organ practice room.



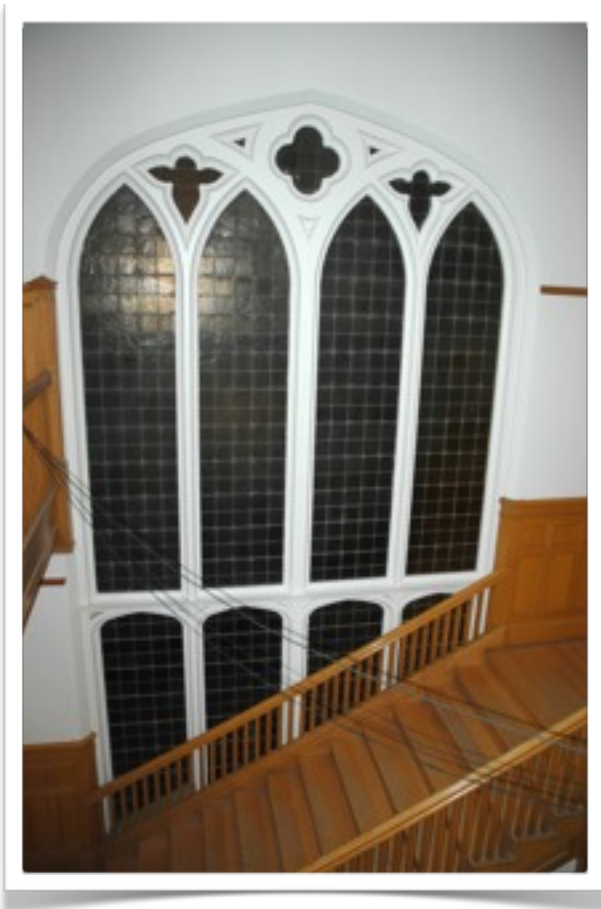
Monitoring location on Sunday night



The top of the Pipe room

The low vibration of the location could cause people to feel different types of what would be perceived as a paranormal experience. This perception could include sensed presences, the feeling of being watched, seeing shadows out of the corner of the eye and religious experiences.

The graffiti that is located at the top of the stairs in the tower show that this location has become a local urban legend and a place for the locals to dare each other to stay. This was also confirmed by the students trying to get into the location while we were conducting the investigation.



While we cannot prove that a location does not have any paranormal activity we can state that while we monitored the location under several different conditions we were unable to find any unexplainable happenings.

The Rocky Mountain Paranormal Research Society would like to thank the staff at the University of Colorado for the access and support to complete this investigation.