

FATHER FRANCIS M. LANDWERMEYER, being first
duly sworn, on oath testified as follows:

E X A M I N A T I O N
By Mr. Hill:

Q Would you please state your full name for the record,
Father.

A Francis M. Landwermeier.

Q Just for the record, in regard to Section 885.205 of the
Wisconsin Statutes, pertaining to privileged communication
between a dean and student, this inquest is a criminal
procedure and the case is being treated as a criminal
case, especially in view of the allegations made by the
parents pertaining to the possibility of foul play, so it
is being treated as a criminal case, thus such a privilege,
in this Examiner's opinion, does not exist. You under-
stand, Father?

A Yes, I do.

Q In what capacity are you employed, Father?

A I am Assistant Dean of the College of Liberal Arts at
Marquette University.

Q And how long have you been an assistant dean?

A Five and-a-half years.

Q Now, I assume you're also a professor at Marquette
University?

A No, I do not teach.

Q Your duties are primarily administrative or consultation?

A I am Director of Freshman Advising Programs and Director of the Pre-Professional Advising Program, and most of my duties have to do in the advising area.

Q Is there any type of training that is required for the fulfilling of that type of duty - advising?

A No specific formal program.

Q Is there any training that is--one would have to have, say, to be suited for advising students?

A For academic advising, no.

Q This is what you primarily are, an academic advisor?

A I'm an academic advisor. I also, as a priest and as a person who has had a good deal of experience in the 20 years or so I--I am also serving--or I also serve as a counselor.

Q And how long have you been a priest? For 20 years?

A No, I've been a priest for 12 years, but I've worked in high schools before that.

Q As a teacher?

A As a teacher and as a counselor.

Q So you've been in the education field for some time?

A Uh-huh.

Q Now, I understand you did know a Walter O. Spence; is that correct?

A Yes, I did.

Q And do you recall how long you had known the deceased?

A I knew him since the mid-terms of his first semester at Marquette, October, 1976.

Q Were you his advisor?

A I served as his advisor, yes.

Q How long had you been serving as his advisor?

A Since that time.

Q What program was Walter involved in, as far as his degree program?

A He was intended to be pre-law.

Q Are there certain requirements for getting into law school as far as grades are concerned?

A There is a grade requirement. There is a great expectation, normally approximately a 3.1. It would be in that area. There are no specific course requirements, and there's no specific grade requirement. Various law school react differently to candidates.

Q At Marquette, then, the average grade would be approximately 3.1?

A I would say to enter law school, I would expect the student to have approximately a 3.1. I'm sure there are variances.

Q Was Walter Spence a B student, or did he maintain a 3.1 average?

A No, he did not.

Q Did he ever maintain that average?

A No, he did not. In point of fact, he had never gotten a 2.0, which would be a C average.

Q Never attained a 2.0 average?

A (Nodding negatively.)

Q He was a sophomore at the time?

A Yes, he was second semester of his sophomore year.

Q If he never maintained a 2.0, how did he remain in the school? Wouldn't he have been dismissed?

A Well, the College of Liberal Arts has a policy by which-- it's a mathematical formula by which it determines whether a student will be dismissed from the college, and it has to do with how many--what are called quality points a student is deficient below a 2.0. Walter was not that deficient below a 2.0 that he would have been dismissed in his freshman year; and in his sophomore year, it's according to how he had finished the year, he might have been subject to a dismissal. Normally speaking, if a person is sent a letter of dismissal, and he appeals with good reason, one appeal probably would be heard favorably.

Q Who makes that determination, as far as quality points or allowing a student to remain in the school if his average is below a 2.0?

A Well, the formula has been worked out by the Executive Committee of the College of Liberal Arts, and I'm not

certain whether it has also to be approved by the Board of Undergraduate Professional Studies in general, but it's worked out by the Executive Committee.

Q Who utilizes that formula in determining--

A (interrupting) The Executive Committee of the College of Liberal Arts.

Q Was Walter in the school with an athletic type scholarship?

A I do not know that.

Q I was just wondering if there was some reason that he remained, because of his athletic ability?

A No, he didn't meet--I mean, he wasn't meeting our standards, but he wasn't so far below them. In other words, the computer does it. The computer has a formula put into it and every student, at the end of the semester, the computer reviews those grades and then informs the college. It gives us a book of all students who should be considered for dismissal because they are below certain standards.

Q Could he have maintained a standard like that and graduated?

A No, he would never have graduated, the way he was going. He would have had to definitely improve. He couldn't graduate until he had definitely a 2.0. Generally speaking, that formula is very lenient on freshman, less lenient on sophomores, rather strict on juniors, and no give or take for seniors.

Q Was he fully aware that his average was below a 2.0?

A Oh, yes.

Q Was he aware that the--let's say the requirement or the average grade, let's say, for getting into law school was 3.1?

A He was aware that it was approximately 3.1 in general, but he was also aware that there were law schools that take less and that there were law schools that, with minority hiring program, that he might be able to get into with less than a 3.1.

Q That's schools other than Marquette?

A Yes.

Q Did he ever discuss this with you?

A The--

Q (interrupting) The fact that there's a possibility he wouldn't be able to get into Marquette's law school?

A Oh, yes, sure.

Q Was his father aware of the possibility that he would not be able to get into Marquette's law school because of his grade point average?

A I do not know that. I only know of one remark his father made to me in a phone conversation related to his amazement that Walter, you know, might be allowed to come back to Marquette next year.

Q When was that telephone conversation?

A That was approximately three or so weeks before Walter's death, after his midterm grades had come out.

Q The father expressed some amazement that Walter would be allowed to come back?

A Yes, that I had said to him that if that were really the best situation or that was the decision, Walter could probably return or would return to Marquette next year.

Q Did you make the phone call to the father, to tell him that Walter's grades were below--

A (interrupting) No.

Q How did this come about?

A To the best of my recollection, his father phoned me.

Q Did he indicate why he was making the phone call?

A It was to discuss his son's academic situation.

Q Did he realize, apparently, that the academic situation was bad or poor?

A Oh, yes. Yes.

Q Did he indicate who had made him aware of this situation?

A Well, you know, to the best of my recollection, the midterm grades, which were very poor in this semester, certainly made him very aware, and he had, according to my recollection, a conversation with his son about that before he talked with me.

Q I see. Did his parents get a copy of his midterm grades?

A To my knowledge, I don't know if they got a copy. I know

that we send out copies to the parents of all students who are under 21. I assume, one was sent out.

Q Do you recall what those grades were?

A Yes. I have the record with me. His midterm grades were a W, which means withdrawal from one course; three F's; and an Incomplete.

Q With a withdrawal and three failures and an incomplete, you indicated to the father that there was a possibility that Walter could come back?

A Yes, because Walter was in the process - and my memory doesn't tell me which it is right now - was withdrawing from two of those courses. Withdrawals do not count directly against a decision to dismiss a student, and so he was left with an F and an I at the time. At the time he was telling me or had told me or it was my belief, from my discussion with him, that he would be able to pass those two courses and according--not according to any decision on my part, but according to the norms of the college, he would not have been dismissed.

Q On the basis of what he told you, that he would possibly pass those two courses?

A Uh-huh.

Q As his advisor, did you ever discuss with him what his-- apparently, there was a problem with his grades, did you ever discuss with him what the problem was?

A Yes, we discussed it often. We discussed it in relationship to his attendance in class, which was, not particularly in that semester, but in all semesters, a problem. We discussed it in terms of his ability to write compositions and answer essay questions. He was not able to write well. And we discussed it in terms of his ability simply to study on a consistent enough basis over a period of time that would get decent grades for him.

Q His attendance problem, was that for any reason, did he ever give you a reason?

A Well, the most that he would give me was either that he was lazy or that he was discouraged or that he just didn't feel like going to class.

Q I was wondering if the wrestling ever caused poor attendance on his part?

A Well, his wrestling caused him to miss classes, but those would be excused absences, but it would have added to the picture.

Q Was there any indication that he was willing to give up wrestling in order to improve his attendance?

A (Nodding negatively.)

Q Was there any indication that he was ever to give up his wrestling activities?

A Not to my knowledge.

Q Did he appear to be very serious in regard to his wrestling activities?

A I would have to say that that was one of the real sources of encouragement for Walter and one of his joys. He loved it, and I think it would have been very difficult for him to give it up.

Q Was this ever discussed with you, the giving up of wrestling?

A Yes, because--yes, there was an incident earlier in the semester, which wrestling became a rather big issue, when Walter was--or Wally was voted by the team off of the wrestling team, and he was very greatly upset by this; and at that time we talked in terms of, well, if you can't get back on the wrestling team, what are you going to do, and he showed determination, no, that wouldn't work out for him, he had to stay with the wrestling.

Q He was reinstated, however?

A Yes, he was.

Q Did he ever indicate to you if someone requested that he give up wrestling, if his grades were poor?

A To the best of my knowledge, I can recollect that on possibly one or two occasions we discussed that in terms of his father, whether or not, but I can't, you know, I can't recollect very much, but just that it's in my mind that at one time or another we discussed that.

Q When you say "involving his father,"--

A (interrupting) Well, there, if my memory serves, that

the question would be, for his father the education was more important than the wrestling; and that if wrestling was getting in the way, the education had to come first. And I'm not positive in my mind right now whether or not I discussed that with his father directly, I can't recollect, but it was my belief that Wally needed the wrestling and would not have been able to do any better and possibly worse academically if he were not wrestling.

Q I just was wondering if you recall Wally making any statement to the effect that his father had told him that he would have to quit wrestling and concentrate on his study, if his grades did not improve?

A I don't recollect it as an order, but I recollect that we discussed it; and the precise comments made, I don't recall.

Q How often did you see Wally, would you say?

A It varied. I would say this year approximately possibly once every two weeks. Sometimes, for a period of days, I would see him more frequently, if there was a particular problem, but other times it would be every two weeks.

Q When you would see him, how long would those sessions last?

A They varied from 3 minutes to 15 minutes to 30 minutes, according to what was going on.

Q Did he ever talk about any problems that, in your opinion, apparently bothered him rather deeply?

A We had several problems--or he had several problems which upset him a great deal, yes.

Q What problems were those?

A Well, one was the wrestling, when he was voted off the team, that greatly disturbed him. The other--or another one was when he was charged with setting off what is called an M-80 rocket - it's a rather high-powered fire-cracker, though I don't know what an M-80 rocket is - and was subsequently expelled or removed from Schroeder Hall, where he was a resident at the beginning of this academic year and moved by decree of the officer resident to McCormick Hall. That incident had a lot of upsetting features to it. We discussed in full detail the conversation he had with his father within the month before his death; and in his first year, we discussed on several occasions with him somewhat upset about his performance and his grades.

Q Did Wally at any time ever make a statement to you that he would take his life or he thought of taking his life?

A Never.

Q Did he ever give you the impression, without ever making such a statement, that he might take his life?

A Never.

Q Now, on the morning of April 26th of this year, that's the morning that Wally fell to his death, were you in the vicinity of McCormick Hall?

A No. I was asleep in my bed.

Q Is that in McCormick Hall?

A No, it's in the Jesuit Residence, about a block down-- it's 1404 West Wisconsin Avenue.

Q When did you first find out about Wally's death?

A Well, I was awakened by a telephone call from the-- one of the Superiors of the Community, Father Lukaszewicz (phonetic spelling), who informed me that he had received a phone call from Father Matchka (phonetic spelling) at the hospital, saying that a--he said a William Spence, but he didn't know, had apparently fallen or--I think he said apparently fallen from the 12th floor from McCormick Hall and had been taken to the hospital. And our phone situation is strange. Our switchboard goes off at ten o'clock, and no one can phone one of the Jesuit phones into the residence except into the Superior's phone. I also have a Centrex phone, which can be used, but I had taken it off the hook that night so I could sleep, because I was tired, so I told Father Lukaszewicz that I would put it back on the hook, Father Matchka could phone me, so I could talk to him directly. That was approximately 1:05.

Q Did you go to the hall yourself?

A I went up to McCormick Hall first, yes, and there were several RA's who I know milling about on the first floor, along or in the area of the hall director's offices, and

I asked him questions. Nobody seemed to really know. They talked about Wally jumping out the window, but I think the phrase actually used by some, but it was something like he leapt out, and I asked a--one of the RA's, Joseph Kolchak, to drive me to the hospital, because I didn't want to drive myself, I was upset, I felt disturbed by the knowledge.

Q It took you by complete surprise then?

A Total.

Q Did you at any time during those morning hours talk to any of the students that may have witnessed this incident?

A No. I have talked--I have not talked with Patrick McMullen at all, even up to this point of time, and I had possibly up to a five minute--I was with Brian for about five minutes later that evening, say around ten o'clock, somewhere around that time, with Jodie Blake. I had gone up to Brian's room to get Jodie. Her parents were ready to go, and I was in the room for about five minutes.

Q Did Brian at that time make any statement to you as to what he observed or what he knew about the incident?

A No. Basically, he just repeated that part about the fact that Wally wanted to leave his coat on the ground, and that Wally had pointed up to the window, but I didn't ask questions. I didn't--I was sitting there with Jodie and Brian, and we didn't discuss it. It was just a matter

of those few minutes. More of it was shaking our heads, saying, "It's just too hard to believe."

Q Now, did anyone ever give you a report as to what may have transpired?

A Yes.

Q And who gave you that report?

A Carol Kurdziel, the head of security at Marquette University, furnished me a report sometime around nine o'clock--9:00 a.m., the day of the death.

Q Did you give this report to the Spence family?

A I discussed--Jeff and his girl friend, Lee Ann Modoff, were in my office that morning, and I discussed with them giving that report to the father, and it was my conviction that there was a paragraph in the report which would only hurt the father, and so I did discuss with them the possibility of removing that paragraph from the official report and giving the father an edited version, a doctored version, yes, I did. I have a copy of that here with me, if you'd like to see it.

Q Yes. Do you want to refer to it?

A I don't need to refer to it.

Q That paragraph that you deleted, you did indicate to Walter's brother that you were going to do that?

A Yes. I had given him the report to read. He read the report. I discussed with him that paragraph, because it

repeated some of Brian Gosizk's statement about how hard his father was, oh, some remarks about the phone conversation, which had been about three or so weeks before.

Q Did Jeff agree with you, that it should be deleted?

A That was my understanding at the time, yes.

Q And your reason for the deletion?

A Was I didn't see the point in hurting the father any more than the death was going to do.

Q You also entered on the revised report--

A (interrupting) An edited version of the letter.

Q Do you recall what portion of that letter or note you altered or edited?

A Yes. I kept, I think, the first two sentences, and I changed, "My grades are still not what"--I have it here.

Q Yes, you can refer to it, Father.

A I re-wrote the letter: "Dear Father, You have been very helpful to me and I appreciate it but I'am still not doing right," which is substantially the same as the original note, and the last part, where I changed, I removed, "so before someone hurts me, I'm gonna do it myself. My grades are even worse than you know. Please try to understand. Love, Wally." I was making an effort to try to mitigate, ameliorate, mollify, modify the feelings and that is, as I explained it to Jeff and Lee Ann that morning.

Q Did they seem to agree with you at that time?

A Yes. Had they not agreed, I wouldn't have done it. I wouldn't have gone ahead with it. It was typed while they were in my office.

Q Now, the note is directed to "Dear Father," who was that note actually directed to? Was it directed to Mr. Spence or to yourself?

A Of my own knowledge, I can't say. I have seen a Xerox copy of the note. I was furnished one. On one piece of the paper it apparently said "Father Landwermeyer," and the other side was the note. I--I would assume, the way it was, that it was for me, but that's an assumption on my part.

Q When the note was re-written or edited, was it to give the impression that it was written--

A (interposing) To the father.

Q (continuing) --to the father. Was there any reason why you wanted to give that impression?

A Yes, because I would have thought that a father would expect a note from his son, rather than somebody who wasn't in his family, although we left in the report the paragraph which said that it apparently is intended for Father Landwermeyer.

Q Father, do you know of any conspiracy by anyone at the university - students, faculty members - a conspiracy by anyone to intentionally cause the death of Walter Spence?

A No.

Q Did it ever enter your mind, the possibility that the father, if he learned of the editing or the altering of an official report, might think that someone might cover something up?

A It has come to my mind since, yes. That doctored version was never meant to be given to him afterwards, because we got a copy of the official Medical Examiner's report and, as I explained to Jeff, that that was on the public record and the father could get that at any time, anyway, and most of that material was in the Medical Examiner's report, so there's no point, so I had a Xerox copy of the Medical Examiner's report prepared to be taken to Connecticut to give to the father, should he wish it.

Q Was it your purpose to cover something up when you edited or deleted some of the report?

A No. I was trying to be compassionate about feelings.

Q Did Mr. Spence ever approach you and ask you if you were attempting to cover something up?

A I had a discussion with Mr. Spence a week ago Thursday night, during which time some of the questions he asked me gave me the impression that that is what he thought, yes.

Q Do you know anything about Wally's wrestling activities at the university?

A You mean in--I never attended. I never watched. I knew he was on the team. I knew about the problem with the team for the while, then I knew that he was at a tournament sometime in the spring, but nothing-- I never discussed it in great detail with him.

Q I was wondering if he ever discussed the fact that he might have gotten payment for being a member of the wrestling squad?

A (Nodding negatively.)

Q Or received the sum of \$800 the last semester for wrestling on the wrestling squad?

A No.

Q There was some question regarding a check that he had cashed for \$800, do you have any idea what that money was for?

A I learned of the check from Dr. Scott last Friday. I believe that Wally had cashed an \$800 check sometime before his death, within two or so weeks, it was explained to me, and I can tell you what Dr. Scott said.

Q This is quite all right.

A It was explained to me that that check was given him by the purser, Michael Murphy, of the university, as the last portion or the completion of the guaranteed student loan. That is not to my knowledge. That is what I was told, and that it was so given him something around or the 10th of April.

Q What kind of loan?

A Well, I'm not that familiar. I know that one of the ways that students pay for their college education is a guaranteed student loan, which is on a very low percentage and is not--they don't have to start repaying it until they have been out of school for something like nine months or a year, and it's usually through a university or a college and a bank operating together on it, I don't know--.

Q Would the student have to apply for that loan?

A Well, the student and the parents have to apply for financial package. It's done in one group, when they apply.

Q I know you probably don't know too much in regard to the mechanics of this type of loan, would the check go to Wally if his--

A (interrupting) If it's a guaranteed student loan, the check is made out to the student. The parents are the ones who furnish the confidential information that Princeton University and the banks rely upon to decide if someone is eligible for a student loan, but the loan is a loan to the student, not the parents, and must be repaid by the student, so the check is paid out to the student, that is my understanding.

Q The father who explained this to you--

A Dr. Scott, he's the vice president.

Q Did you know, prior to today, that Walter had played a record entitled "Leader of the Pack"?

A Yes.

Q Do you know what that record is about?

A No. I've never heard the record.

Q It was brought to our attention by the father that during a conversation with you that you indicated something to the effect that Walter couldn't take pressure. Did you actually say that; and if you did, what did you mean?

A When I got to the hospital, when Walter died, I was the one who made the phone call to the parents, to tell them that Walter was dead, that he had been pronounced dead. I took what had been told me and understood that it was understood to be a suicide and so when I told his father that he had died and if my recollection serves me correct, his father said, "Are you trying to tell me that my son committed suicide," and I said, that apparently what that is or that seems to be the case. I then followed it up with what I thought was a consoling remark or a remark trying to say, "Hey, you know, gee, apparently Wally couldn't take the pressure." That was just an assumption on my part, that if a person does commit suicide, there must be something bothering the person or there must be a lot of pressure that he couldn't take.

It was not a professional judgment. It was made during a time when I myself was somewhat upset by the event.

So--.

Q Was Wally's aunt at the hospital?

A I did not see Mrs. Moore that night.

Q Did you know that Mrs. Moore had been at the hospital?

A I was--I think told that later, the next morning, in a conversation either with Jeff or with the father on the telephone, but--I knew that she had been there when I saw the Medical Examiner's report. It said that she verified the--.

Q The identification?

A (Nodding affirmatively.)

Q There was another question the father had raised, allegedly you were asked if Wally had seen the movie "The Moneychangers"?

A Yes. He asked me that. The father asked me that on the telephone, and I told him I didn't know.

Q You didn't say "Yes"?

A No. I later talked to Jodie Blake on the telephone, in whose room he was from 8:00 to somewhere around 10:30, and I asked her, and she said yes, and I relayed that to the father.

Q That was on the basis of what Jodie Blake told you?

A Yes. I don't know that he watched it, but Jodie Blake said this.

Q Did you ever mislead Wally in regard to his academic standing?

A No.

Q You always made him fully aware of what his standing was?

A Yes.

Q Did you ever mislead the parents as to his academic standing or the possibility that he would not get into law school because of his poor grades?

A I--to my recollection, I did not, but my--when I start working with a freshman or sophomore and begin to talk about going to something like law school, I am willing to try to work the best they can be and wait. I'm not one to make that decision very quickly, that it's not going to work out. I don't--I believe I don't--I know I don't tell people they can do something simply, "Well, you can go to law school," or "He can go to law school."

Q Did you ever indicate to the parents that you were going to see the president of Marquette and ask for a new investigation into the circumstances?

A Yes, when I discussed with Mr. and Mrs. Spence last Thursday night, and they presented to me many of the questions that they have asked around the campus the previous four days or so, I agreed with them, that I thought that the matter deserved a fuller investigation

than had been given, and I told them that I would recommend it so to Father Raynor and Dr. Scott.

Q And did you do that?

A I recommended it to Dr. Scott. Marquette University runs on a rather rigid thing. It was Dr. Scott's responsibility to communicate that up the line, but I did not discuss it with Father Raynor directly.

Q Was that going to be requested, that the civil authorities be involved in the investigation?

A I recommended that it be done, yes. I repeated that request again on Friday night, in a telephone conversation with Dr. Scott, after I had talked to Mr. Spence again on the phone.

Q Did you ever indicate to the parents that if there had been two black boys in the room and a white boy jumped out of the window, that the two black boys would still be in jail?

A I didn't say in jail. I said that I'm sure there would have been a more complete investigation.

Q You indicated this to the parents?

A Yes.

Q It was your opinion there would have been a more thorough investigation if there would have been two black boys in the room and a white boy would have jumped?

A (Nodding affirmatively.)

Q I don't think this question is pertinent to the investigation, Father. If you want to answer it, you can. Many of these questions, they're questions that have been put forth by the parents, and I don't feel they're necessary. It's possible that they might be relevant to the investigation, but you can answer them, if you want. There is a question about the possibility of Walter's entire attitude or his outlook being influenced in some way by possibly physical force or abuse you may have applied to him while he was a student. Were there times that you did engage in applying some type of physical abuse?

A Yes.

Q Was there any reason for that?

A Well, I would have to give a little background. What we were trying to do was to provide Wally, as we have worked out between us, that he needed help, and the help he needed was one, to know what to do and, two, to sometimes kick him in the butt, to get him to do it, that it was a type of motivation pressure that I used with Wally. He was a very physically oriented person, anyway, and that it seemed to work. It was never abuse, I assure you of that.

Q Do you think it may have had some effect on Wally, other than making him work harder?

A No, I am not aware of any.

Q The abuse, was it in the form of twisting arms?

A Uh-huh.

Q Did he have to address you in a certain manner while this was--

A (interrupting) I always require students to address me in the same manner, which is, "Yes, sir," "No, sir."

Q Any words such as "Boss" or "Man" or "Master," rather than "Yes, sir"?

A No, not "Master," no. "Boss" or "Main Man," yes.

MR. SPENCE: I didn't hear that.

MR. HILL:

Q "Boss" or "Main Man"?

A Yes.

Q Any reason why those terms were used?

A That was just--I worked out with Wally that I would call the shots and he would toe the line, and he said that he needed discipline and direction, he needed to be pushed and he needed to get straight direction.

Q Did any of this result in his crying?

A That was asked of me by Mr. Spence last week, and my answer was no. The only thing I can recollect, on one occasion, when I twisted his arm a little harder than I normally did, I noticed there was a film in his eye, like a tear, and--.

Q As you know, in the note that eventually became a part of our file, it indicates: "I still don't seem follow the right way, so before someone hurts me I'm gonna do it myself." Do you have any idea why he may have used the words "before someone hurts me" or the word "hurts"? Do you feel that he was talking about the experiences in which he was--

A (interrupting) By me, no.

Q Yes.

A No.

Q Do you have any impression as to what he meant by that word, "hurts," or who he was talking about?

A I have about five different ways of reading it, and I don't know which one's right.

Q Is there any one particular way that you feel the note can be read and would probably be the most accurate way of interpreting what those words mean?

A I don't read them as directly as maybe other people do. If he were writing that to me, which I would assume from the outside note and from the "Dear father" - I don't think he called his father father, but I don't know - had it been addressed to me, I think he would have said "before you hurt me." I don't think he had anybody in particular in mind. I think it was just more an awareness, if he doesn't get straightened out and do the right things, so the world comes down.

Q You don't think he was talking about physical hurt, your interpretation?

A I really don't know.

Q Do you recall when you last spoke to Wally?

A I spoke to him on the night of his death.

Q At what time, approximately?

A I saw him approximately between 6:30 to 7:00 and 7:20 to 7:30.

Q Do you recall what the conversation was about?

A Yes, I do.

Q What was it about?

A Basically, it was about the fact that, according to Wally, that afternoon he had talked to his mother; and that in that conversation he came away from that conversation believing that things were fairly well-settled at home; that the phone conversation of the previous month, with his father, is--that his father had settled down from that and that, in particular, the question of whether he could transfer out of Marquette would--was okay with the family, and, in fact, that they would help him transfer, whatever. He was pleased that he didn't have to fight the battle about trying to transfer out of Marquette, which he had really decided to do some time before that. He told me this--this conversation, that he had phoned the University of Rhode Island's wrestling coach and

had discussed going to the University of Rhode Island wrestling, and that that would really be great. At that point I--it was my judgment that it was time to get Wally to face some facts, which he apparently was not facing, so I confronted him with the fact that he couldn't transfer to the University of Rhode Island with his grade point, which is significantly below a 2.0, and a good university isn't going to let you transfer below a 2.0. With his grade point the way it was, he wouldn't be eligible to be wrestling at the University of Rhode Island, anyway. He told me in the conversation that he had given up on the idea of law, which I applauded, because I thought it was the best thing that he had said to me in two years. It was clear by this time that he wasn't going to go that route. And he brought up the subject that he was going to switch to something like business, so I proceeded to tell him, "That's not going to work either, you don't have the mathematical background. If you are going to do something like that, you're going to have to spend your whole summer studying mathematics." He was poor in--one of the courses he was failing or had was Math 25, which is the most basic math course you can take at Marquette, for it's math for impractical or poetic people, it's a gut course for people who don't have much math

ability, and it certainly doesn't prepare one for business, and I made that very clear to him. I went on and further stressed the fact that what was really the heart of the matter was that he could transfer to another school, but the same person was going to be going to the other school, and one of his serious problems would be that he would work for two weeks and then he would vacate for two or three weeks, he would get discouraged; he was up and down. I said, "I don't care where you transfer to, I don't care what course you go into, if you don't straighten out, if you don't get these problems worked out, you're not going to finish college." I talked to him at the same time about the fact that he admitted to me in this part of the conversation that he hadn't gotten above a D in one course of the two remaining and he was failing the other, so--so I talked to him about the possibility, "Then the best thing you could do is go and withdraw from those courses, because two F's aren't going to help you anywhere; if you're going to try and transfer, those two F's are going to stop you more than the rest." Those are the types of things we talked about that night, and the fact that I told him he was--now, I don't want to give the wrong impression, I don't think he was, you know, way upset, he was upset with this information I was giving or what I was saying to him

because it was hard, but I didn't think he was, you know, really upset. I did say, "Hey, Wally, look, if you don't like it this way, if you prefer just to be friends, for me not to talk to you and say things like this, I can be a friend. But if you want the truth, if you're going to get your act together, then what do you need?" He said, "I need your help. I need discipline and direction," which was a sort of code word. I said, "You can have it either way. If you want just someone you want to chat with, fine, that doesn't bother me, if you want to get straightened out." Then we chatted for a while about other things, and none of which--they're nothing in my mind as very distinct or straight or whatever. And it was getting between 7:20 and 7:30. I had an appointment who was supposed to come at 7:30, and I got a telephone call, and I waved Wally out of my room. While I was on the telephone, he waved good-by, and that was the last I saw of him.

Q The chances - your opinion,- of him transferring successfully to Rhode Island University were very slim?

A I couldn't see how they would take him. He had a 1.767, and he had two F's coming, if he didn't withdraw from the final two courses.

Q Was it suggested that he stay at Marquette, then, in view of that situation?

A No. I was in favor of his leaving Marquette.

MR. SPENCE: Beg your pardon?

A I said I was in favor of his leaving Marquette.

MR. HILL:

Q During any conversation with Wally's father, did you indicate that you were in favor of him leaving Marquette?

A No, not that I remember. In fact, I told him just three weeks before that, if Wally wanted to come back next fall, he could come back.

Q That was on the basis of what Wally had said about the other two courses?

A Yes.

Q There was a question the father brought up in regard to the removal from Wally's room of a record player and a record that Wally was said to have played over and over. Did you remove these items?

A No, I didn't. I assisted his brother and his brother's girl friend in packing up his belongings around one or two o'clock in the afternoon after his death. At this time this was done the record player--I took the record off the record player, the one that was on it, and I put it in an album and I put the album beside long-playing albums. These were put in a box or whatever, and they were taken downstairs to be put together with the rest of his stuff.

Q Do you recall the name of that record?

A The only thing I remember about it is the--as I explained to the Spences in a conversation last week, it was--it went in, I think, one of those two--you know, like a collection of oldies but goodies, where they bring out, like, say, two records in one album, it's a collection of hits of the past, and I put it in there and I put it with the rest. No, I don't.

Q Do you remember where that record player and the records ended up?

A Downstairs, as far as I know, in McCormick Hall.

Q You didn't actually take it downstairs?

A We had a group of about four or five students who helped carry everything downstairs and put it in this one room - Jeff and Lee Ann and I and about four, five students.

Q And you were going through the room with Jeff, did you notice if there was a wallet in the room?

A No, not that I remember. I don't remember the wallet.

Q Do you remember ever seeing a wallet owned by Wally following his death?

A No, I don't remember. I might have, Mr. Hill, but I don't remember - I mean, it's not in my recollection.

Q Did you keep any letters or anything that was removed from Wally's room?

A Yes, I did, two things.

Q What were those?

A One, I have it here with me, a Chicago Bears lighter. It's a cheap lighter, but I kept it as a memento. This.

(Witness hands lighter to Mr. Hill.)

And when I was going through his desk, putting his stuff away, I came upon the envelope which had in it the four pieces of documents connected with his expulsion from Schroeder Hall, and I took that.

Q Do you still have those in your possession?

A I'm trying to find the--I have the--I have the letter from Roger Olson, and I can't find the other documents. They were in the envelope, too. I have copies of the documents here with me, to show you what they are.

Q That was in regard to his expulsion for what - setting off a rocket or something?

A Uh-huh.

Q Was there any other reason why he was expelled from Schroeder Hall?

A Not to my knowledge.

Q Was there any indication that he was ever involved in drinking or fighting?

A To the best of my knowledge, Wally was not known as a drinker on the campus, and I would be very surprised if he were, knowing him. Fighter, I don't have any knowledge one way or the other.

Q Your reason for going into his room with Jeff was why?

A Well, No. 1, we were going to leave the following morning to go to Connecticut for the funeral; and as I explained it to Jeff, I didn't think his things should be left there for three or four days, until Jeff got back. They should be boxed up; they shouldn't just be left in the room. Secondly, I told Jeff that I thought that the onus of having to go through Wally's things on an individual basis to dispose of them should be his. I thought it would be kind for the parents if they wouldn't be put through that, because that's a very painful experience, I know that from past experiences, so it was my suggestion that we put everything together, turned it over to Jeff, get it where Jeff could have access to it, and that he could handle it then as he saw fit. That was the purpose of doing it.

Q Did Wally indicate to you at any time that he had received that \$800 loan?

A No.

Q From your understanding, apparently that was not a refund of an overpayment of tuition, this was a student loan?

A I don't know. I've been told it was part of his student loan.

Q That was by Dr. Scott?

A Yes, but I don't know of my own knowledge.

Q Since Wally's death, have you overheard any conversation to the effect that his death might have been a result of foul play?

A The only conversation that I can remember, that had anything to do like that, though the word "foul play," I don't think, was mentioned, but there were other people present who could--and that was sometime that day, when I think Jeff and Lee Ann were in my office, a student came and was talking to us and said that they were going to try to get the "Marquette Tribune" not to publish the suicide story until some more information could be gotten hold of and that they just--these were friends of Wally's, that they just couldn't possibly understand suicide and, therefore, something else had to have happened. So that was the only time, you know, that, to my recollection, I've heard, you know, that type of talk. I don't think the student used "foul play" in the conversation, but he did say, you know, some friends of Wally's certainly were not happy with the notion of suicide as the explanation.

Q Do you recall who those friends were?

A Well, I know who it was, who said that to us and that, Eric Hamilton.

Q Eric Hamilton?

A Yes. Who else was involved or who was talking like that, I don't know.

Q Was there any information or any indication from whom he was going to obtain this information?

A They were talking to people around.

Q It was more or less an investigation on their part to determine what, in their opinion, actually did occur?

A Uh-huh. That was my understanding.

Q Father, do you have Wally's grades, his record of grades, with you?

A Yes.

Q Do you have the grades for the two report periods prior to the last report?

A Yes.

Q Could you just tell us, for the record, what his grades were on those two?

A In the December?

Q Yes.

A He had three C's, a D, and an F.

Q That's for December?

A Yes. First semester, '77-'78.

Q Was that his final grade?

A Those were his final grades for the first semester.

Q That is below a C average?

A Yes, it is.

Q Was there a report following that report?

A Midterm report of the next semester.

Q And is that the one you referred--

A (interrupting) The W, three F's, and an I.

Q Do you have a report for the--that would be the previous semester, then, the semester--

A (interrupting) His freshman year?

Q Freshman year.

A For his last semester as freshman year?

Q Yes.

A He had three C's, an A, and a D. That was a 2.0, with the understanding--. That was equivalent of a 2.0.

Q And what was his--his first semester grades as a freshman?

A Two D's, two C's.

Q So for his entire freshman year was below a 2.0?

A He had a 1.774 for his first year. The A that he received in that course was an A that it's a gift type course.

Q Did Wally quit wrestling during his freshman year, to the best of your knowledge?

A To the best of my knowledge, I don't know.

Q Did you ever discuss that his father requested that he quit wrestling?

A I said earlier that we had discussed it at some time about his father's--exactly what was the statement or whether he said his father requested him to, ordered him to, but we did discuss it at one time.

Q You felt that it would be better for him to continue his wrestling?

A Yes.

Q You felt his grades would probably suffer more if he was forced to give up wrestling, I believe you testified to that?

A Yes.

Q The question has been put to me by the father in regard to what would be the effect if Wally withdrew from Marquette before his exams?

A You mean if he had--it would end up that he would have five W's on his report card, and it wouldn't affect his previous grades whatsoever, nor would it affect his standing in the university. In fact, it automatically meant that he would be eligible to return, because if you would withdraw totally in any given semester, you may always return the following semester.

Q As far as his ability to transfer to Rhode Island?

A It wouldn't have affected that because of the points. In other words, he would have a 1.7; and from my understanding, and it's normal advice given to students, four-year colleges demand a 2.0 for transfer of students.

Q In other words, he could have returned to Marquette possibly or it--

A (interrupting) He could have returned, but it wouldn't have been a good thing, and I said that to him, but he could have gotten into a junior college or community

college, a two-year type program, and worked to improve his math and English, which he had to improve, because that was giving him the bad grades.

Q This was suggested to him?

A Yes, I talked to him, that he couldn't get into Rhode Island, and then we discussed, you can go to a junior college and you build up your credits and you build up your abilities.

MR. HILL: I have no further questions.

MR. SPENCE: Just one more to give you.

MR. HILL: Please, Father.

Q Did you at any time advise Mr. Spence that Wally would not have been eligible for transfer to Rhode Island or the possibility was very doubtful that he would have been?

A Rhode Island. You mean Mr. Melvin Spence?

Q Yes.

A No, I don't think so. I don't remember discussing it with Mr. Spence.

Q Did you ever discuss with him - that's Mr. Spence - that Wally was doing poor academically?

A Oh, yes. Yes.

MR. SPENCE: I didn't hear that.

A The answer was yes, I did.

MR. SPENCE: The answer is yes.

MR. HILL: That's all, Father. Thank you very much.