

OFFICE
MEMORANDUM

MARQUETTE UNIVERSITY

To: Dr. James Scott
Vice President - Student Affairs

Date: June 15, 1978

Subject: SPENCE INVESTIGATION

As I advised you, we have reason to believe that a private investigator operating out of the office of Attorney Allan Eisenberg intends to perform some investigation of the subject incident. I suggest that in addition to advising University personnel to refuse to give any information to anyone about the case without the express approval of your office or mine, it might be well to alert the two students most closely involved, Brian Gosizc and Pat McCullen, of the pendency of the investigation.

You have requested that I supply an appropriate phrasing of a letter which might be sent to the students. I suggest the following:

We have reason to believe that a private investigation has been initiated into the circumstances surrounding the death of Walter Spence. This investigation is directed by the office of a Milwaukee attorney, to whom the University, for its part, will offer absolutely no cooperation in the matter. We feel that we should advise you of the possibility that such investigators may seek to interview you; and, while you are of course at liberty to respond as you think proper, it is our feeling that your cooperation should properly be confined to the inquiries of legitimate public authorities. You are perhaps aware that an inquest into the circumstances of Wally's death is now pending, and may resume in the Fall. We would encourage you to offer your testimony in such inquest, should it be requested by the Medical Examiner's office. But we would think it both unnecessary and unwise for you to speak about the matter to representatives of the attorney in question, who may or may not identify themselves in their approaches to you.

I do not agree that the
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What we seek to avoid is that your statements may be distorted if they are given without the protection of an official record in an official proceeding.


Ray J. Aiken
University Legal Counsel

OFFICE
MEMORANDUM

MARQUETTE UNIVERSITY



To: Dr. Quentin L. Quade,
Executive Vice-President

Date: June 20, 1978

Subject: The Spence Case

Because of the pending hearing in a criminal proceeding, I recommend that any information that is requested of the University about the Spence Case now be presented in writing to me for my clearance and that of the Office of University Legal Counsel before a response is made. It is intended that we will be as open as possible in replying, being mindful of the current legal situation.

In that view, I propose to take the following two actions:

1. Advise the involved University Staff - including the two Resident Advisors who are students, the Residence Life Professional Staff, and the Public Safety Office, and Public Relations - to respond to any inquiries by requesting the inquirers to direct their questions in writing to me.
2. Write to the two students principally involved - Brian Gosizk and Pat Mc Mullen - to advise them specifically as follows:

You are perhaps aware that a Coroner's Inquest into the circumstances of Wally Spence's death is now pending and may resume in the fall. The University encourages you to offer your testimony in such an inquest should the Milwaukee County Medical Examiner so request. In that event, your statements will have the protection of an official public proceeding and will be a matter of official public record.

Should you be approached by a private investigator or attorney, who may or may not identify themselves to you as they begin their inquiry, you may wish to talk with your own attorney before you comment or respond to questions to learn the purpose of the inquiry and the background of the inquirers.

You are, of course, at liberty to respond to any one as you think proper. We intend only that you be aware of probable continuing inquiries into the circumstances of Wally's death.

from "your" attorney? What could that help one "learn the purpose of the inquiry"?

Call Mr. [unclear] or to a Marquette Counsel? How can we ask any of these people to spend their own money on such business?

Sincerely,

J.H.S.

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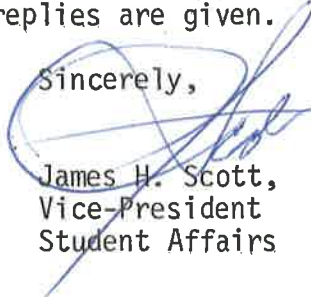
Dr. Quentin L. Quade,
Executive Vice-President

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June 20, 1978

There is no intent to avoid providing information about the Spence Case by virtue of Step 1. Rather the intent is to have legal oversight of what information is requested and what replies are given.

Sincerely,



James H. Scott,
Vice-President
Student Affairs

JHS/mle

cc: Mr. Ray J. Aiken
Mr. Arnold Anderson