

OFFICE  
MEMORANDUM

MARQUETTE UNIVERSITY

To: Rev. John P. Raynor, S.J.  
President

Date: January 17, 1979

Subject: MELVIN SPENCE



On Wednesday, December 13th, Investigator Bob Penny, who performs private investigations for Attorney Allan Eisenberg, attempted to reach you by phone, and spoke to Mr. Tlachac, leaving his number with the request that you be in touch with him.

On the following day I was unsuccessful in reaching Mr. Penny, but did reach him on Friday, December 15, explaining that I was responding to his earlier call. Despite the fact that I had left word with his office the previous day to the same effect, he saw fit to speak to Mr. Tlachac again on the 15th, again insisting that he be put in touch with you. On failing to reach you, he reportedly hung up the phone abruptly.

Attorney Allan Eisenberg answered my call <sup>to whom?</sup> to the office, and commented that it was his impression that the file had been closed. Mr. Penny stated that it was their opinion that the case would not justify any further investigation, since Mr. Spence appeared to be seeking a result which was simply contrary to the plain fact. He said that he could not recommend the expenditure of further funds for the purpose of interviewing persons outside of Milwaukee, and was in the process of preparing a report of the findings and conclusions of his investigation for submission to Mr. Spence shortly after the first of the year.

Mr. Penny stated that his calls to you were instigated by a concern for your safety and/or that of Father Landwermyer. He stated that Mr. Spence had repeated a number of times that if he could not clear his son's name by exhausting all legal avenues, he would nevertheless see that "justice was done" by taking whatever action was necessary himself, regardless of personal consequences. The specific source of Mr. Penny's concern, however, was when Mr. Spence pointedly requested that Mr. Penny supply him with the office and residence addresses of yourself and Father Landwermyer. In Mr. Penny's mind, this request may have suggested that Mr. Spence intended to wreak personal vengeance against either or both of you for what Mr. Spence has consistently believed to have been your personal complicity in the circumstances of Wally's death.

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I questioned Mr. Penny at some length in order to determine whether there was any other factor known to him which would provide a further basis for concern. He insisted that there had been no direct threat on the part of Mr. Spence to do physical harm to anyone. Nevertheless, I implied, rightly or wrongly, that perhaps some information which Mr. Penny intended to include in his report might tend to inflame Mr. Spence's strong suspicions against you and Father Landwermyer. This inference was based upon two additional statements which Mr. Penny made to me. First he indicated that Mr. Spence would not be expected to appear in Milwaukee earlier than the new year, which suggested to me that Mr. Penny's report would be instrumental in causing him to come here. Second, Mr. Penny twice repeated the fact that he would be sending the report to Mr. Spence "because he paid for my investigation, and has a right to know what I have found out." Apart from his plain concession that Wally's death was obviously a suicide, Mr. Penny did not further elaborate upon the substance of his proposed report, except to confirm that his recommendation would suggest no further action on the part of his office.

I thanked Mr. Penny for his concern, and urged him to advise us should any further information relevant to the question come to his attention. He told me that Mr. Eisenberg had considered his concerns to be something of an overreaction, but that it was his personal conclusion that we should be notified.

Promptly upon concluding this conversation, I notified Dr. Quade of its substance, and of my own feeling that the warning had no apparent connection with any legal strategy of possible advantage to the Eisenberg office. On the other hand, I did not then and do not now take the ambiguous threat lightly, because Mr. Spence's actions and attitudes plainly suggest a deep and vehement animosity toward the University administration, and particularly towards Father Landwermyer and yourself. I am sure that you have been as fully aware of this as I. In addition, several aspects of Father Landwermyer's conduct in the matter, though motivated by a sincere and Christian concern, are probably impossible to explain to Mr. Spence's satisfaction.

  
Ray J. Aiken  
University Legal Counsel

dMc  
cc: Dr. Quentin Quade  
Ms. Carol Kurdziel

Dictated and signed in his absence