

OFFICE
MEMORANDUM

MARQUETTE UNIVERSITY

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

Date: July 17, 1978

Subject: Mr. Spence's Request of June 26, 1978 for the
Results of Our "Investigation" re the Death
of his son, Wally Spence.

On Friday, May 12, 1978 shortly after 5 p.m. I was able to reach Mr. Spence by telephone to confirm with him that we would make inquiry into the questions that he had about the circumstances related to Wally's death. He seemed pleased to have that information.

Later Friday evening I telephoned Mr. Spence again because Fr. Landwermeyer called me to say that, following their conversation, he understood Mr. Spence was not satisfied with the content of my 5 p.m. telephone call. In this second phone call, at about 7:45 p.m., Mr. Spence told me that he was satisfied with our 5 p.m. discussion, but that he had understood that Fr. Landwermeyer was to have asked me for a dual investigation by both Marquette and the City authorities. I responded that Father Landwermeyer had commented on it, but that I wasn't sure that was possible or something similar. After a few minutes discussion, Mr. Spence then told me that he did not want Marquette to investigate his son's death, but that he wanted us to turn over the information he had gathered during the preceding week to the civil authorities. I told Mr. Spence this was different from what we discussed in our 5 p.m. telephone call, and not at all what I understood him to be asking of me (and of you and Dr. Quade) the preceeding day, Thursday, May 11, 1978 in my office. Mr. Spence made it clear to me in this second telephone call Friday evening that I was only to inquire of you whether or not we would turn over to the civil authorities on Monday, May 15, 1978 the material Mr. Spence had gathered, and that if we declined or if he did not hear from you via me by mid-night, Sunday, May 14, 1978, he would turn over the information himself.

I called Mr. Spence about noon on Saturday, May 13, 1978 and, per your instructions, offered to continue our inquiry in an attempt to answer his questions, or if he chose, he was free to go to the civil authorities with his information. I told him, however, that if he chose to go to the civil authorities, by law our inquiry would of necessity end at that time. He restated his position of Friday evening: that the choice was not an investigation by Marquette, but rather whether Marquette would provide to the civil authorities the information he had gathered during the preceding week which was in his possession at that time or whether he would do so himself so that the civil authorities could conduct the investigation.

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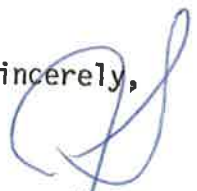
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I then called Mr. Spence about 1:30 p.m. that Saturday stating that we would provide his material to the civil authorities as soon as possible after Monday, May 15, 1978 following our making Xerox copies of the information. (I told him that meant Monday or Tuesday and certainly no later than Wednesday). At that point, Mr. Spence told me he would have to consult with his family, and that he would call me at home Sunday, May 14, 1978 with his answer. He may have tried to reach me while we were at church between 10:30 a.m. and 1:15 p.m., but not having heard from him by 5 p.m., I called him. His wife said he had stepped out for a few minutes, and I asked that he call me as soon as he was able. Our phone did not ring the balance of that evening. On Friday, May 19, 1978, the Medical Examiner began an inquest at Mr. Spence's request, and, so far as we know, that inquest continues.

Since there was the possibility of a civil investigation and in fact it later began, we could not and did not proceed further with our inquiry. Thus, there is nothing further we can provide to Mr. Spence.

If you wish, you may provide a copy of this memorandum to Mr. Spence.

Sincerely,



James H. Scott
Vice President
Student Affairs

JHS:pr