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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHARLES CRENSHAW, M.D. and )  
GARY SHAW )  
v. ) NO. CIVIL ACTION NO.  
LAWRENCE SUTHERLAND, ) CA3-93-CV1206-D  
GEORGE LUNDBERG, DENNIS )  
BREO, THE AMERICAN MEDICAL )  
ASSOCIATION, d/b/a JOURNAL )  
OF AMERICAN MEDICAL )  
ASSOCIATION, THE DALLAS )  
MORNING NEWS and DAVID W. )  
BELIN )

NO. 73-93

CHARLES A. CRENSHAW, M.D., ) IN THE DISTRICT COURT OF  
and GARY SHAW )  
v. ) JOHNSON COUNTY, TEXAS  
LAWRENCE SUTHERLAND, ET AL.) 18TH JUDICIAL DISTRICT

ORAL DEPOSITION  
OF  
DENNIS BREO

**COPY**

ANSWERS AND DEPOSITION of DENNIS BREO, produced as a  
witness at the instance of the Plaintiff, taken in the  
above-styled and numbered cause on the 15th day of  
September, 1993, at 9:00 o'clock a.m., before Leslie K.  
Bodes, a Certified Shorthand Reporter in and for the State  
of Texas, at the offices of Jackson & Walker, 6000 NCNB

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Plaza, 901 Main Street, in the City of Dallas, County of  
Dallas, and State of Texas, in accordance with the Federal  
Rules of Civil Procedure and the annexed agreement hereto  
attached.

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Witness: Dennis Breo

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A G R E E M E N T S

IT IS HEREBY agreed by and between the parties hereto, through their respective attorneys appearing herein, that any and all objections to any question, except as to form, or answer, except as to responsiveness contained herein may be made upon the offering of this deposition in evidence upon the trial of this cause with the same force and effect as though the witness were present in person and testifying from the witness stand.

IT IS FURTHER agreed by and between the parties hereto, through their attorneys appearing herein, that this deposition may be signed before any Notary Public and thereafter returned into Court and used upon the trial of this cause with the same force and effect as though all requirements of the Rules and Statutes with reference to signature and return had been fully complied with.

IT IS FURTHER agreed by and between the parties hereto, through their attorneys appearing herein, that if the deposition is not signed and filed prior to any hearing in this cause, that said deposition or a certified copy thereof may be used on the trial of this cause with the same force and effect as though the same had been read and signed by the said witness.



P R O C E E D I N G S

DENNIS L. BREO,

the witness hereinbefore named, being first duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth, testified on his oath as follows:

DIRECT EXAMINATION

BY MR. KIZZIA:

Q Would you state your name for the record.

A Dennis L. Breo.

MR. BABCOCK: Before we get started, on agreements, all objections reserved accept as to form or nonresponsiveness of the answer. If a signed copy is not available at the time of a hearing or trial, we may use an unsigned copy and he'll have 30 days -- is that what the rules are -- 30 days to sign before a notary. Do you agree to sign before a notary?

MR. KIZZIA: That's fine.

MR. WATLER: Okay. Is that all right with everybody else?

MR. BABCOCK: We've got a response to your notice. It just carries forth the same responses on documents that we had on the document request. I think maybe we got -- the notice calls for something slightly

1 broader. We're going to produce part three of the series,  
2 which I don't think it was called for in the earlier  
3 document request. But other than that, the objections and  
4 responses are essentially the same. Okay?

5 BY MR. KIZZIA:

6 Q What does the "L" stand for?

7 A Lee.

8 Q L-E-E?

9 A Yes.

10 Q Mr. Breo, are you the same Dennis Breo who is a  
11 defendant in the suit styled, Charles Crenshaw, M.D and  
12 Gary Shaw, Plaintiffs, versus Lawernce Southerland, et  
13 al., that was recently filed in the State District Court  
14 in Johnson County but is now pending in the United States  
15 District Court for the Northern District of Texas?

16 A Yes.

17 Q Do you understand that you are here under oath  
18 to tell the truth just as if you were at the courthouse in  
19 front of the judge and jury?

20 A Yes.

21 Q In answering my questions, will you tell the  
22 whole truth to the best of your ability?

23 A Yes.

24 Q Are you currently on any medication or anything  
25 that might impair your ability to do that?

1 A No.

2 Q Do you have any physical or other condition  
3 that might impair your ability to do that?

4 A No.

5 Q If I ask you a question that you don't  
6 understand, will you let me know so that I can either  
7 repeat it or restate it so that I can assume that when you  
8 answer a question you do understand it?

9 A I'll try.

10 Q If at any time during the deposition you want  
11 to take a break for any reason, confer with counsel or  
12 otherwise, will you let me know?

13 A Yes.

14 Q Now, Mr. Breo, you know that I represent the  
15 plaintiffs in this case and you are a defendant, so our  
16 positions with regard to this case are adverse. Do you  
17 understand that?

18 A I understand.

19 Q Okay. Even though our positions in the case  
20 are adverse, I don't want to be or appear to be unfair to  
21 you in anyway or insult you in anyway. So if you feel  
22 that any of my questions are unfair or insulting or if you  
23 take offense to any of it, would you let me know?

24 A I'll try.

25 Q Did you review anything to prepare for your

1 deposition today?

2 A Do you mean this morning?

3 Q All right. We'll start with this morning. Did  
4 you review anything this morning to prepare you for this  
5 today?

6 A I have prepared myself for the deposition.

7 Q All right. What did you review to prepare for  
8 the deposition?

9 MR. BABCOCK: Don't tell him any documents  
10 that I might have shown you.

11 THE WITNESS: What exactly do you mean?

12 BY MR. KIZZIA:

13 Q I want to know what you mean. You said you  
14 prepared for the deposition, how did you go about doing  
15 that?

16 A I just reviewed, you know, my articles and I  
17 was here yesterday with counsel and I reviewed the  
18 paperwork so far and that's essentially it.

19 Q When you said you reviewed your articles, what  
20 specific articles are you talking about?

21 A The three-part series on the assassination of  
22 President Kennedy.

23 Q That was published in JAMA?

24 A Yes.

25 Q All right. You said that you reviewed your

1 articles, you consulted with counsel, and what was the  
2 third thing you said you did?

3 A I don't recall that I said a third thing.

4 Q Was there anything else that you did to review  
5 or was there anything else that you did to prepare for  
6 your deposition other than review the three-part series of  
7 articles that you wrote for JAMA and consult with counsel?

8 A That's essentially it.

9 Q Okay. Where do you currently reside?

10 A I live in Chicago.

11 Q Where do you currently work?

12 A I currently work at The American Medical  
13 Association.

14 Q In Chicago?

15 A In Chicago.

16 Q The Chicago office?

17 A It's the Chicago headquarters office.

18 Q The deposition today is taking place in Dallas.  
19 When did you come down for your deposition?

20 A I flew in on Monday, September 13th.

21 Q Today is September 15th?

22 A I believe it is.

23 Q Did you bring anything with you from Chicago  
24 for this deposition?

25 A I brought the articles and some related

1 material.

2 Q What related material?

3 A I believe most of it's been provided to you  
4 already. It's mostly stuff I previously forwarded to  
5 counsel with the intention of forwarding to you.

6 Q Can you be a little more descriptive as to what  
7 related material you are talking about.

8 A If you could give me an idea of what you have  
9 in mind.

10 Q Well, I'd like to know what you meant when you  
11 said you brought with you related materials.

12 A The related materials essentially are materials  
13 that I understand you already have; that's been requested  
14 and produced under your request.

15 Q The materials related to what?

16 A Materials related to this lawsuit.

17 Q Are you talking about materials that you  
18 reviewed before writing your articles?

19 A Talking about the materials that have been  
20 previously requested or have been submitted as part of  
21 this process.

22 Q Were these materials that you put together to  
23 send to counsel, or did somebody else do it?

24 A These are the materials that I put together to  
25 send to counsel to forward to opposing counsel.

1 Q Okay. And you just brought with you extra  
2 copies?

3 A Exactly.

4 Q How long did it take you to put those materials  
5 together?

6 A I can't recall. I mean, it's -- you know, over  
7 a period of time.

8 Q Over what period of time?

9 A Since I became aware of this lawsuit and that  
10 there would be a deposition.

11 Q Were these materials that you had in your  
12 possession, or did you have to acquire them from other  
13 persons?

14 A These were materials that I had in my  
15 possession.

16 Q And they were related to your articles that you  
17 wrote for the Journal of Medical Association?

18 A They were.

19 Q Were these materials that you had in your  
20 possession before you wrote the articles or materials that  
21 you acquired after you wrote the articles?

22 A They were materials I had in my possession  
23 before the articles were written, with the exception of  
24 some press clips that were written in reaction to the  
25 articles.

1           Q     Can you be any more descriptive of what the  
2 materials consisted of other than the press clips that you  
3 just referred to?

4           A     I don't recall. They were just general  
5 reaction to the stories.

6           Q     Well, I'm talking about -- my question has to  
7 do with the materials other than the press clips that were  
8 a reaction to the stories.

9           A     I believe I've answered that.

10          Q     Can you tell me anything -- any part of the  
11 materials other than the press clippings that were a  
12 reaction to the stories? Can you describe them at all?

13          A     You -- I believe you could describe them as  
14 well as I could. I believe you have them.

15          Q     Well, I'd like to know if you can describe them  
16 since they were the materials that you said you had since  
17 before you wrote the articles, and the materials that you  
18 felt were related to the articles.

19          A     I think the materials are self-explanatory;  
20 they're in your position and, you know.

21          Q     Well, let me see if I can rephrase the  
22 question. Can you describe them or are you just unwilling  
23 to describe them?

24          A     I can't describe them much better than what I  
25 said. I'm not giving them a great deal of thought since



1 they were forwarded to my counsel to be forwarded to you.

2 MR. WATLER: If you have a document that  
3 you want to ask him about, show him and he'll respond to  
4 it.

5 BY MR.KIZZIA:

6 Q Okay. We'll get to that in just a minute. Mr.  
7 Breo, in preparing for your deposition today, did you meet  
8 with anyone other than your counsel?

9 A No.

10 Q Did you discuss your deposition with anyone  
11 other than your counsel?

12 A With -- with my wife.

13 Q Anyone else?

14 A No.

15 Q What is your date of birth?

16 A October 26th, 1942.

17 Q You said that you currently work and reside in  
18 Chicago; is that correct?

19 A Yes, that's correct.

20 Q How long you have resided in Chicago?

21 A Lived in Chicago for the last 27 years.

22 Q And have you worked in Chicago that whole time?

23 A Yes.

24 Q You said that you currently work for the  
25 American Medical Association; is that right?

- 1           A     That's correct.
- 2           Q     How long have you worked for the AMA?
- 3           A     I've worked at AMA for nearly the last 27
- 4           years.
- 5           Q     What do you do at the AMA?
- 6           A     I am a journalist.
- 7           Q     Have you always worked as a journalist for the
- 8           AMA?
- 9           A     Yes.
- 10          Q     Could you describe what you do as a journalist
- 11          for the AMA.
- 12          A     You mean now, currently?
- 13          Q     Yes, please.
- 14          A     As opposed to --
- 15          Q     We'll start out with currently.
- 16          A     I am the national correspondent of the Journal
- 17          of the American Medical Association.
- 18          Q     What does that mean, national correspondent?
- 19          A     Well, the job charter, as it were, is
- 20          essentially to produce news articles, interviews,
- 21          personality profiles, and features, medical events on
- 22          personalities for publication in general.
- 23          Q     That's the position you currently hold?
- 24          A     That is.
- 25          Q     How long you have held that position?

1           A     Since about four years.

2           Q     What did you do for JAMA before that?

3           A     Before that, I held a similar title -- very  
4 similar responsibilities for another AMA publication  
5 called American Medical News.

6           Q     What's the difference between the Journal of  
7 the American Medical Association and American Medical News  
8 ?

9           A     I would say JAMA is a higher calling but the  
10 same salary. The essential difference is JAMA is a  
11 peer-review scientific publication which also has human  
12 interest articles. American Medical News is more of a  
13 social economic newspaper format publication. Both are  
14 weekly. The work I've done has been essentially similar  
15 with both publications.

16          Q     And what work is that?

17          A     What I've just described.

18          Q     Writing articles?

19          A     Conceiving ideas for articles, reporting,  
20 writing, photographing articles.

21          Q     What's the difference between reporting and  
22 writing?

23          A     Well, the one precedes the other, essentially.  
24 I mean they're all part of a process to produce. The  
25 ultimate goal is to produce an article for publication.

1 Q Could you describe that whole process.

2 A I believe I just have. I mean it's --  
3 essentially you develop an idea for a news story. You  
4 report it; you write it; you photograph it as you report  
5 it; and then assist in the layout, design, production,  
6 editing, et cetera.

7 Q Forgive me, Mr. Breo. I still would like, if  
8 you would to explain a little better for me the  
9 distinction between reporting and writing a story.

10 A Reporting, I sit down with you, talk to you, do  
11 background research on you, talk to other people about  
12 you, sit down and think about what I have. I sift through  
13 it, make determinations about the news value. And then I  
14 sit down and write it.

15 Q So reporting would consist of interviewing and  
16 research prior to writing?

17 A Among other things.

18 Q Are there any other things other than what you  
19 just mentioned?

20 A It's a broad spectrum. It would depend with  
21 the story.

22 Q Did you identify the parts of the process in  
23 the order that they are done, generally speaking? When I  
24 asked you to describe the process you said there's  
25 conceiving the idea, there's reporting, there's writing,

1           there's photographing as needed, layout, editing. Is that  
2           the order in which it is done?

3           A       It's not a rigid sequence. I mean, there's  
4           overlap. There's essentially, you know -- in a  
5           retrospective way, that's essentially what happens.

6           Q       All right. You said that you've been national  
7           correspondent for JAMA for four years, and prior to that  
8           you held a similar position with American Medical News.  
9           How long did you hold that position with American Medical  
10          News?

11          A       For 23 years.

12          Q       Was there some overlap there where you worked  
13          for both publications, American Medical News and JAMA?

14          A       There was not, no.

15          Q       So that means that you worked for the AMA for  
16          either the American Medical News or JAMA for 27 years?

17          A       Right.

18          Q       Could you describe your educational background.

19          A       I graduated from The Northwestern University  
20          Adult School of Journalism, and that was in 1964.

21          Q       Is that in Chicago?

22          A       It's in Evanston which is a suburb north of  
23          Chicago.

24          Q       What was the degree that you obtained there?

25          A       It was a Bachelor of Science in Journalism.

1 Q Did you attend any other universities?

2 A No.

3 Q Where did you go to high school?

4 A In Freeport, Illinois.

5 Q Were you pretty much born and raised in  
6 Illinois?

7 A Pretty much.

8 Q Did you go directly from high school to the  
9 School of Journalism?

10 A I did.

11 Q How many years were you there?

12 A At Northwestern?

13 Q Yes, sir.

14 A Four years.

15 Q You graduated with a Bachelor of Science in  
16 Journalism in 1964; is that right?

17 A Right.

18 Q Then did you immediately go to work for the  
19 American Medical Association?

20 A No, I worked for a --

21 MR. BABCOCK: He just asked you if you  
22 did.

23 THE WITNESS: No.

24 MR. BABCOCK: He was about to ask you  
25 where you went to work, but he didn't ask you that.

1 BY MR. KIZZIA:

2 Q What did you do between the time that you  
3 graduated from Northwestern School of Journalism in 1964  
4 and the time that you went to work for the American  
5 Medical Association?

6 A I worked for a newspaper in Freeport, Illinois.

7 Q What newspaper was that?

8 A The Freeport Journal Standard.

9 Q What did you do for the Freeport Journal  
10 Standard?

11 A A little bit of everything.

12 Q Is that a daily newspaper?

13 A It's a daily.

14 Q Was it then?

15 A It was.

16 Q How long did you work for the Freeport General  
17 Standard?

18 A Two years.

19 Q Did you work as a reporter?

20 A Did a little bit of everything.

21 Q Well, what do you mean by a little bit of  
22 everything?

23 A Basic newsroom jobs.

24 Q What are the basic newsroom jobs?

25 A I was a sports editor and I covered police and

1 fire and I worked on wire desks which is like associated  
2 press copy and laying out the front page and covered the  
3 courthouse. I wrote about funerals and covered weddings,  
4 you know, a little bit of everything.

5 Q Why did you leave that job?

6 A To accept employment at the American Medical  
7 Association.

8 Q What was it about the American Medical  
9 Association that made you want to accept a position there?

10 A Nothing in particular.

11 Q Was the position that you initially took with  
12 AMA position as a journalist?

13 A Yes.

14 Q During the 27 years you worked for the AMA,  
15 you've always worked as a journalist?

16 A I believe I answered that before. Yes.

17 Q Have you ever done any other type of work for  
18 the American Medical Association other than that as a  
19 journalist?

20 A No.

21 Q Prior to going to work for the American Medical  
22 Association, had you had any formal medical training or  
23 education?

24 A No.

25 Q Were you working for the American Medical News



1 in 1978?

2 A Yes.

3 Q Have you ever been a party to any other  
4 lawsuit?

5 A Yes.

6 Q How many other lawsuits?

7 A One.

8 Q Is it currently pending?

9 A It is not.

10 Q When was it closed out?

11 A The resolution I believe is confidential.

12 MR. BABCOCK: When. He just wants to know  
13 when.

14 THE WITNESS: Oh, when was it closed out?

15 MR. BABCOCK: When was it ended? When did  
16 it terminate?

17 THE WITNESS: 1989.

18 BY MR. KIZZIA:

19 Q Did that lawsuit pertain to your work as a  
20 journalist?

21 A It did.

22 Q Where was the lawsuit pending when it was  
23 pending?

24 A Chicago.

25 Q Did it arise from something that you had

1 written for the Journal of American Medical Association?

2 A It did not.

3 Q Did it arise from something that you had  
4 written for the American Medical News?

5 A Yes.

6 Q Who was the plaintiff in the case?

7 MR. BABCOCK: You can answer that. I'll  
8 tell you when you can't.

9 THE WITNESS: Okay. Dr. Cyril Wecht.

10 BY MR. KIZZIA:

11 Q Were there any other plaintiffs?

12 A I don't believe so.

13 Q Who were the defendants to the case besides  
14 yourself, if any?

15 A It began with virtually everyone at the Medical  
16 Association starting with the chairman of the board and  
17 right down through the editors of the American Medical  
18 News to myself.

19 Q Were there any defendants other than employees  
20 or representatives of the American Medical Association?

21 A Not to my knowledge.

22 Q Was the suit filed in Chicago?

23 A I can't recall.

24 Q You said it was pending in Illinois, didn't  
25 you?

1           A     I believe when resolved it was in Illinois, but  
2 I really can't recall. There may have been split  
3 jurisdictions.

4           Q     Did you give an oral deposition in that case?

5           A     I did.

6           Q     Can you tell me approximately when you gave  
7 your deposition?

8           A     I believe it was -- although I'm not certain --  
9 I believe it was in 1984.

10          Q     Where were you when you gave your deposition?

11          A     I was in Chicago.

12          Q     Other than the deposition that you gave in  
13 approximately 1984 in connection with that litigation and  
14 the deposition that you're giving today, have you ever  
15 given a deposition?

16          A     No.

17                                   (Deposition Exhibit Nos. 1 and 2 marked.)

18 BY MR. KIZZIA:

19          Q     Did you say that the terms of the resolution of  
20 that prior lawsuit are confidential?

21          A     I believe they are.

22          Q     Can you tell me what the nature of the  
23 allegations were?

24          A     I believe it's a confidential settlement.

25                                   MR. BABCOCK: He wants to know what the

1 lawsuit alleged when it was filed if you can recall.

2 THE WITNESS: I can't recall the exact --  
3 it was a very shotgun-type lawsuit when initially filed.

4 BY MR. KIZZIA:

5 Q Can't be any more precise than that?

6 A By that, I mean the defendants ranged from the  
7 AMA Board of Trustees down through the editors of American  
8 Medical News, and it involved a news article in American  
9 Medical News.

10 Q That lawsuit arose from a news article that you  
11 wrote for the American Medical News?

12 A It did.

13 Q What was the subject of the news article?

14 A I believe the whole case has been settled under  
15 a confidential arrangement.

16 MR. BABCOCK: Well, do you think that  
17 there's an order sealing the pleadings in that case?

18 THE WITNESS: You know, all I really know  
19 is when it was finally settled, it was -- this is it and  
20 neither party will discuss it again.

21 MR. BABCOCK: If there's some apprehension  
22 about violating a Court order -- Brad, why don't I see if  
23 there is any such order, and if there's not, I'll just get  
24 you a copy of the pleadings.

25 MR. KIZZIA: Okay. I'll appreciate a copy

1 of the pleadings, if there's not a court order.

2 MR. BABCOCK: Talk about the petition,  
3 whatever answers.

4 BY. MR. KIZZIA:

5 Q Well, let me ask you this, Mr. Breo: Did the  
6 article pertain to the assassination of President John  
7 Kennedy in any way?

8 A It did not.

9 Q Mr. Breo, let me show you what I've had marked  
10 for identification purposes as Deposition Exhibit No. 1  
11 and Deposition Exhibit No. 2, which both reflect on their  
12 face that they are the original notice of your oral  
13 deposition today, and the other being an amended notice.  
14 Have you seen those documents before?

15 A I have seen this first one, the notice to take  
16 oral deposition. I don't believe I've seen the one on the  
17 videotape deposition.

18 Q All right. When you said that earlier, that  
19 you had compiled some documents to provide to counsel to  
20 produce to opposing counsel when you learned of your  
21 deposition, was that a compilation that you did in  
22 connection with this deposition notice marked as Exhibit  
23 No. 1?

24 A Yes.

25 Q So you did know that Exhibit A to the

1 deposition notice listed some documents that you were  
2 requested to produce at your deposition?

3 A Yes.

4 Q Okay. If we could, Mr. Breo, I'll refer you  
5 back to Exhibit No. 1, and I'd like to discuss with you  
6 the list of items that you were requested to produce here  
7 at your deposition.

8 MR. BABCOCK: Brad, to speed this along a  
9 little bit maybe, here's the formal response to that we  
10 have prepared with respect to this notice. Here are some  
11 documents in addition to the documents previously produced  
12 that were called for in the notice but not in the original  
13 request for documents that was sent to the defendants.

14 (Deposition Exhibit No. 3 marked.)

15 BY MR. KIZZIA:

16 Q Mr. Breo, let me show you what I have marked  
17 for identification purposes as Deposition Exhibit No. 3,  
18 which shows on its face that it is a copy of a letter  
19 dated September 3rd, 1993 from one of the attorneys  
20 representing you, and a group of documents that are  
21 attached to it.

22 A Uh-huh.

23 Q We'll discuss those specific documents in a  
24 moment. But for the time being, I'd like to ask you, does  
25 Exhibit 3 contain the records and documents that are being

1 produced responsive to the request for records and  
2 documents that are part of Exhibit 1?

3 A Do you mean does this pile of papers in front  
4 of me represent what I submitted to counsel to forward to  
5 you?

6 Q All right. We'll start with that.

7 A It appears to.

8 Q Okay. Are those documents that contain Exhibit  
9 No. 3 being produced responsive to the deposition notice  
10 that's marked as Exhibit No. 1? Is that your  
11 understanding?

12 A You know, I'm confused on various exhibits. I  
13 mean this paper on my left is Exhibit A, the 17 requests.  
14 So by Exhibit 3, you mean what?

15 Q Well, let me step back. You've already said --

16 A Oh, Exhibit 1, videotape. Okay, I got you now.

17 Q Exhibit No. 1 is a copy of the notice to take  
18 oral deposition, regarding your deposition today. You  
19 said you read that and you saw the Exhibit A that includes  
20 the list of documents requested to be produced. And I  
21 believe you said that in response to that you compiled  
22 some documents and sent them to your counsel to be  
23 produced; is that right?

24 A That's correct.

25 Q Is it your understanding that Exhibit 3

1 represents the production of those documents?

2 A It appears to without, you know, making a  
3 point-by-point check.

4 Q Okay.

5 MR. BABCOCK: Let me just say that these  
6 documents that were produced were produced pursuant to a  
7 request for production that you sent, which was almost  
8 identical to what is contained here in Exhibit 1. So the  
9 documents were produced initially prior to this deposition  
10 pursuant to the document production request, and today  
11 we've produced the additional document which maybe I think  
12 you marked.

13 (Deposition Exhibit No. 4 marked.)

14 BY MR. KIZZIA:

15 Q Okay. The additional documents that you  
16 produced today that you've just handed me I've had marked  
17 for identification purposes as Deposition Exhibit No. 4.  
18 Other than the documents that are part of Exhibit No. 3  
19 and the document that's marked as Exhibit No. 4, are there  
20 any other documents that you're in a position to produce  
21 today responsive to the deposition notice that's marked as  
22 Exhibit No. 1?

23 A No.

24 Q Now, Mr. Breo, if we could, I'd like to take  
25 this opportunity to go over some of these records and



1 documents and see if you can identify them for me. Now,  
2 there are a number of documents that are part of Exhibit  
3 No. 3. So that we understand that we're talking about the  
4 same thing, I'm going to, as we go through, additionally  
5 mark some of the specific documents as Exhibits A through  
6 Z or however many it takes. You just saw me take the  
7 rubber band off the documents so that we can go through  
8 them one at a time.

9 The first page, of course, is the copy of the  
10 September 3rd, 1993 letter from counsel; is that right?

11 A That's correct.

12 (Deposition Exhibit No. 3-A marked.)

13 BY MR. KIZZIA:

14 Q Okay. The first document attached to the  
15 letter I've had marked as Exhibit 3-A for identification  
16 purposes. Can you tell us what deposition Exhibit 3-A is?

17 A This was one of two articles carried in the May  
18 27, 1992 issue of JAMA. That was the first article  
19 labeled -- well, the headline was, JFK's death, part one.  
20 Well, anyway, that's what it is. It's part one of two  
21 parts published in JAMA, May 27, 1992.

22 Q Did you write the article that's marked as  
23 Exhibit 3-A?

24 A I did.

25 Q The next document included in Exhibit 3 I'll

1 have marked for identification purposes as Exhibit 3-B.

2 (Deposition Exhibit No. 3-B marked.)

3 BY MR. KIZZIA:

4 Q Can you tell me what that is?

5 A That's part two of the two articles that  
6 appeared on May 27, 1992.

7 Q In JAMA?

8 A In JAMA.

9 Q Did you write the article that's marked as  
10 Exhibit 3-B also?

11 A I did.

12 Q The next document I'll have marked for  
13 identification purposes as Deposition 3-C.

14 (Deposition Exhibit No. 3-C marked.)

15 BY MR. KIZZIA:

16 Q Can you tell me what that document is?

17 A That is the third and final part of the  
18 three-part series on the Kennedy assassination that  
19 appeared October 7, 1992 in JAMA.

20 Q Now, you've described the three articles that  
21 are marked as Exhibits 3-A, 3-B, and 3-C as a series of  
22 articles; is that right?

23 A Well, they're three articles on the same topic  
24 so it's -- to me that's a series.

25 Q Were these articles always intended to be a

1 series from the outset?

2 A They were not.

3 Q How were they not originally conceived as a  
4 series?

5 A The availability of Dr. Finck was in question  
6 and was not known until after publication of the first two  
7 parts. So until he agreed to an interview, there was no  
8 knowledge of a part three.

9 Q Well, when the original articles were conceived  
10 was an interview with Dr. Finck planned, or did the idea  
11 of interviewing Dr. Finck come up after the first two  
12 articles were published that are marked as Exhibits 3-A  
13 and 3-B?

14 A The interview with Dr. Finck was planned and  
15 pursued as part of the original two parts but was not  
16 accomplished. It was subsequently accomplished.

17 Q Did you write the article that's marked as  
18 Exhibit 3-C?

19 A I did.

20 Q Now, I noticed that the articles that are  
21 marked as Exhibits 3-A and 3-C have your name at the top.  
22 Is that right?

23 A That's correct.

24 Q But the article that's marked as Exhibit 3-B  
25 does not have your name at the top. Is there a reason for

1 that?

2 A There is.

3 Q What reasons?

4 A The two ran in sequence in conjunction as part  
5 of the same package, and the editors thought once -- my  
6 name -- was enough. So the two ran in sequential  
7 consecutive pages, and there was no need to repeat the  
8 logo, At Large With Dennis L. Breo.

9 Q Did anyone else participate in the actual  
10 writing of the articles that are marked as Exhibit 3-A,  
11 3-B and 3-C?

12 A No.

13 Q They were written solely by you?

14 A They were.

15 (Deposition Exhibit No. 3-D marked.)

16 BY MR. KIZZIA:

17 Q The next document among the documents that are  
18 part of Exhibit 3 I have marked for identification  
19 purposes as Exhibit 3-D. Can you tell me what Exhibit 3-D  
20 is?

21 A 3-D is an editorial by Dr. Lundberg, the editor  
22 of JAMA, which appeared in the October 7, 1992 issue of  
23 JAMA, the same issue in which the interview with Dr. Finck  
24 appeared.

25 Q The title of Dr. Lundberg's editorial on

1           October 7, 1992 was, Closing The Case In JAMA On The John  
2           F. Kennedy Autopsy?

3           A     It was.

4           Q     Was the case closed, as far as JAMA was  
5           concerned, with the publication of that editorial on  
6           October 7, 1992?

7           A     I did not write that editorial.

8           Q     Well, did you think that the case was closed,  
9           as far as JAMA was concerned, at that time?

10          A     I had no thoughts on it at all.

11          Q     You have no thoughts, or you had no thoughts at  
12          the time?

13          A     You would have to talk to Dr. Lundberg, who  
14          wrote the editorial and wrote the headline, as to what he  
15          meant and whether or not --

16                   MR. BABCOCK: The question was, you have  
17          no thoughts or you had no thoughts. He just wanted  
18          clarification of your prior answer.

19                   THE WITNESS: I have thoughts on that  
20          editorial.

21          BY MR. KIZZIA:

22          Q     At the time it was published, October 7th, 1992  
23          in JAMA, did you have thoughts on whether or not the case  
24          was closed as far as JAMA was concerned?

25          A     I had thoughts then and now.

1 Q Well, what were your thoughts then?

2 A It was beyond my control since I am not the  
3 editor of JAMA.

4 Q What was beyond your control?

5 A Whether or not the case is closed in JAMA.

6 Q Did you have an opinion as to whether or not  
7 the case should be closed as far as JAMA was concerned at  
8 the time?

9 A I had no opinion.

10 Q Did you want to do additional articles in JAMA  
11 at the time --

12 A I --

13 Q -- on the JFK assassination?

14 MR. BABCOCK: Wait until he finishes his  
15 question. Read back the question so we can hear it better  
16 since he tried to interrupt.

17 (Requested material was read.)

18 THE WITNESS: I did not.

19 BY MR. KIZZIA:

20 Q Well, what did you mean when you said it was  
21 beyond your control?

22 A I meant the case was closed in terms of my  
23 reporting on it. In terms of what might be published in  
24 JAMA pursuant to the publication of that editorial, I had  
25 no way of knowing or influencing what might or might not

1 happen.

2 Q You didn't try to influence that?

3 A That's not part of my job description.

4 MR. BABCOCK: No. No. No. Did you try  
5 to influence it or did you not, whether it was your job  
6 description or not?

7 THE WITNESS: I tried influence when asked  
8 if it was appropriate. If I were asked an opinion, I  
9 would, you know, express my opinion.

10 Q Were you asked?

11 A If you could narrow your question on that --  
12 you know, almost a year has passed since that editorial  
13 has appeared, and I'm not sure exactly what -- you know,  
14 what you have in mind.

15 Q Well, I was following up on your response where  
16 you said that if you were asked you would have expressed  
17 an opinion. So my question was, were you asked?

18 A At the time of this editorial on October 7,  
19 1992, I was not asked. I had no role in this editorial on  
20 your discussion.

21 Q You said that your particular role was closed  
22 though, at that time; is that right?

23 A At that point in time, having completed the  
24 Piere Finck interview, in my mind I thought that my  
25 reporting on that topic was completed.

1 Q Is that a conclusion you reached on your own or  
2 did somebody from JAMA tell you that?

3 A That was my opinion, reached on my own.

4 Q Did your involvement with JAMA's coverage of  
5 the JFK assassination change after October 7th, 1992, when  
6 you felt like your involvement was closed or finished?

7 A Did it change?

8 Q Yes, sir.

9 A It did not.

10 Q Have you done anything further for JAMA with  
11 regard to coverage of the JFK assassination since you  
12 wrote the article that's marked as Exhibit 3-C that  
13 appeared in JAMA on October 7th, 1992?

14 A Have I done anything further in terms of  
15 writing stories as a opposed to the lawsuit?

16 Q No. No. I'm talking about reporting, writing,  
17 editing stories, or articles for JAMA.

18 A I have not.

19 Q I just noticed that the last page of Exhibit  
20 3-C is a copy of a letter dated January 26th, 1968 to  
21 Ramsey Clark from Dr. Boswell. Do you see that?

22 A I do.

23 Q Was that intended to be part of the article  
24 that you wrote pertaining to your interview with Dr. Finck  
25 that's marked as Exhibit 3-C?



1           A     I don't believe it was.

2           Q     Okay. Just so there's no confusion about that,  
3 I want everybody to see I'm going to take off this last  
4 page from Exhibit 3-C. So it's not intended to be part of  
5 Exhibit 3-C; is that right?

6           A     That's correct.

7           Q     We'll have it marked as Exhibit 3-E.

8                     (Deposition Exhibit No. 3-E marked.)

9 BY MR. KIZZIA:

10          Q     Let me show you what I've marked for  
11 identification purposes as Exhibit 3-E. Can you identify  
12 that document.

13          A     This appears to be a letter written to the  
14 Honorable Ramsey Clark, the Attorney General of the United  
15 States, January 26th, 1968, by Dr. J. Thornton Boswell.  
16 One of the three --

17                     MR. BABCOCK: No. No. He just wants you  
18 to identify it. You don't have to --

19                     THE WITNESS: It's a letter to Ramsey  
20 Clark from Dr. Boswell.

21 BY MR. KIZZIA:

22          Q     Dated January 26th, 1968?

23          A     That's correct.

24          Q     Have you seen that letter before?

25          A     I have.

1 Q Where did you see the letter prior to today?

2 A I believe it was given to me by Dr. Boswell.

3 Q When did Dr. Boswell give you the letter that's  
4 marked as Exhibit 3-E?

5 A At the time I interviewed him.

6 Q Going back to Exhibit 3-D, did it turn out that  
7 the case was closed, as far as JAMA was concerned, after  
8 October 7th, 1992?

9 MR. BABCOCK: Object to the form of the  
10 question. It calls for speculation.

11 MR. MCGRAW: I also object on the grounds  
12 that the case closed is vague and ambiguous.

13 MR. BABCOCK: You can go ahead and answer,  
14 if you can.

15 THE WITNESS: Could you repeat the  
16 question.

17 BY MR. KIZZIA:

18 Q Well, going back to the editorial that's marked  
19 as Exhibit No. 3-D, it's stated -- a title to that  
20 editorial -- that the case in JAMA on the JFK autopsy was  
21 closed. My question to you is, did that turn out to be  
22 the case?

23 A I have -- I did not write that editorial.

24 MR. KIZZIA: Objection. Nonresponsive.

25 BY MR. KIZZIA:

1 Q Did JAMA do any further editorials or articles  
2 on the JFK case after October 7th, 1992?

3 A Did they do any what?

4 Q Did they publish any additional articles or  
5 editorials pertaining to the JFK assassination?

6 A I believe they did.

7 Q Do you know why JAMA published further articles  
8 or editorials pertaining to the JFK assassination after  
9 Dr. Lundberg's editorial on October 7th, 1992 indicated  
10 that the case was closed, as far as JAMA was concerned?

11 A I do not.

12 Q Did you ever discuss that with Dr. Lundberg?

13 MR. BABCOCK: Would that be the editorial?

14 MR. KIZZIA: Yeah, the additional  
15 editorials and articles published by JAMA after Dr.  
16 Lundberg's editorial that's marked as Exhibit 3-D.

17 THE WITNESS: Did I ever discuss it with  
18 Dr. Lundberg?

19 BY MR. KIZZIA:

20 Q Yes.

21 A I did.

22 Q When did that discussion take place?

23 A It took place prior to the publication of the  
24 additional articles, which I believe was in the spring of  
25 this year.

1           Q     So you expressed the opinion to Dr. Lundberg  
2     that you felt that eyewitness testimony was more important  
3     than articles that may deal with opinions of people, even  
4     if they were medical experts that were not eyewitnesses?

5           MR. BABCOCK: Object to the form. That's  
6     not what he testified to. You may answer the question.

7           THE WITNESS: Would you repeat the  
8     question.

9           MR. KIZZIA: Would you read that last  
10    question.

11                    (Requested material read.)

12           THE WITNESS: I did not express that  
13    opinion.

14    BY MR. KIZZIA:

15           Q     Well, I understood you to say -- of course the  
16    record will speak for itself, but I understood you to say  
17    that you felt like you had obtained -- you had written  
18    about interviews that you had done with eyewitnesses. I  
19    believe you described them as primary eyewitnesses.

20           MR. BABCOCK: Object to the form of that  
21    question.

22    BY MR. KIZZIA:

23           Q     Is that correct?

24           A     I did the three articles based on the doctors I  
25    interviewed. However, they might be described -- now, we

1 could go through it specifically, if that's what you're  
2 after.

3 Q The articles, you mean?

4 A Yeah, the three articles I wrote.

5 Q Well, we'll certainly do that, but right now  
6 I'd like to --

7 MR. BABCOCK: Object to the sidebar.

8 BY MR. KIZZIA:

9 Q Right now I'd like to know is -- why did you  
10 feel that your interviews with those particular persons  
11 were more important than articles that may cover other  
12 persons' views and opinions?

13 MR. BABCOCK: Just give me a second here.  
14 Object to the form of the question. He did not testify to  
15 that previously. Go ahead.

16 THE WITNESS: I do not believe that. I in  
17 no way believe that my article was based on primary  
18 eyewitness testimony or are any more or less important  
19 than anything else that may be written about the Kennedy  
20 assassination.

21 I thought and attempted to say that my articles  
22 based on the primary physicians involved in the emergency  
23 care and the autopsy of President Kennedy, as part of the  
24 package of articles and commentaries that we published in  
25 1992, were indeed the extent of the necessary coverage in

1        JAMA. My articles plus the additional stuff in 1992,  
2        enough.

3                Q        What was the additional stuff that you are  
4        referring to other than your three articles?

5                A        I would have to -- I believe your aware of it.  
6        It's the articles accompanying and the articles published  
7        in JAMA in 1992 about the JFK assassination. I don't have  
8        the inventory.

9                Q        What's your recollection of what JAMA published  
10       regarding two articles concerning the JFK assassination in  
11       1992 other than your three articles that are marked as  
12       Exhibits 3-A, 3-B, and 3-C?

13              A        The only part that I directly had control over  
14       were the three articles I wrote. In addition there were  
15       editorials, I believe two. There were letters to the  
16       editor, I believe eight, and there may have been  
17       additional commentaries, papers from other people.

18              Q        Anything else that you can think of at this  
19       time?

20              A        I believe that was essentially the extent of  
21       our 1992 coverage.

22              Q        And you felt like that coverage was sufficient;  
23       is that correct?

24              A        I felt that the 1992 coverage was, in my  
25       opinion, sufficient.

1           Q     You didn't feel like JAMA should publish  
2 anything else regarding the JFK assassination; is that  
3 right?

4           A     I did not have a strong opinion on this, and I  
5 am not the editor of JAMA. I thought that the 1992  
6 coverage, in my opinion, was sufficient, but I listened to  
7 and did not strongly object to and do not now have strong  
8 objections to the additional coverage that was publish in  
9 1993.

10          Q     But you did feel strongly enough about it to  
11 express that opinion to Dr. Lundberg; is that right?

12          A     Dr. Lundberg -- JAMA is a peer-review  
13 publication, and opinions and advice are solicited far and  
14 wide, so it is normal routine -- normal protocol to  
15 solicit my opinion.

16                 And my opinion was that perhaps we had done enough  
17 in 1992, but I certainly did not have any strong  
18 objections to the additional publication in 1993.

19                         (Deposition Exhibit No. 3-F marked.)

20 BY MR. KIZZIA:

21          Q     Let me show you what I have marked for  
22 identification purposes as Exhibit 3-F, which is the next  
23 document contained among the documents that are part of  
24 Exhibit 3. Can you identify that.

25          A     These appear to be the letters to the editor

1 published October 7, 1992 in JAMA.

2 (Deposition Exhibit No. 3-G marked.)

3 BY MR. KIZZIA:

4 Q Okay. The next document that's part of Exhibit  
5 No. 3 marked for identification purposes as Exhibit 3-G.  
6 Can you identify that document.

7 A This was a letter published in March of --  
8 March 24, slash, 31, 1993. This is a letter from Dr.  
9 Cyril H. Wecht.

10 MR. BABCOCK: I'm sorry. What exhibit  
11 number did you give that?

12 MR. KIZZIA: 3-G.

13 MR. WATLER: Do you have a 3-F marked yet?

14 MR. BABCOCK: Yeah. I noticed he's been  
15 skipping some.

16 BY MR. KIZZIA:

17 Q I think you just talked a minute ago about  
18 Exhibit 3-F, but could you identify it again, for the  
19 purposes of the record.

20 A 3-F was a package of, I believe, eight letters  
21 published in the October 7th, 1992 issue of JAMA.

22 MR. BABCOCK: Just to satisfy my  
23 curiosity. We've got 3-A, 3-B, 3-C, 3-D, 3-E, 3-F, so  
24 we're on track.

25 THE WITNESS: Are we done with this?



1 BY MR. KIZZIA:

2 Q Let's keep them in order. Then Exhibit No. 3-G  
3 are some additional letters that were published in JAMA in  
4 March, 1993?

5 A Yes.

6 Q Were these letters that you didn't think should  
7 be published?

8 A That letter was published in March 24/31, 1993,  
9 and I think that was part of the additional package that I  
10 did not think had to be published. I would like to amend  
11 my earlier response to that. The basic dialogue was with  
12 Dr. Lundberg, I expressed the opinion that I thought we  
13 had indeed closed the case in 1992 and that should be it.

14 But I was persuaded upon discussion with Dr.  
15 Lundberg that since indeed the controversy was continuing,  
16 as evident in the letter from Dr. Wecht, I was unpersuaded  
17 by Dr. Lundberg's belief that these additional papers and  
18 commentaries might indeed achieve closure, and that was  
19 the conclusion of our discussion.

20 Q When you say that you felt that the case was  
21 closed in 1992, what do you mean by that?

22 A I did not say that I felt the case was closed  
23 in 1992. That was the title of Dr. Lundberg's editorial.

24 Q Did you feel that the case was closed in 1992?

25 MR. WATLER: Objection. Asked and

1 answered.

2 MR. BABCOCK: Same objection.

3 THE WITNESS: Do you want me to respond to  
4 that?

5 MR. BABCOCK: Yeah. Yeah. I'll tell you  
6 not to answer if I don't want you to respond.  
7 I just have to make my objections for the record.

8 THE WITNESS: The case may never be  
9 closed. I thought, in terms of JAMA's coverage of this  
10 public controversy, that it was closed at the end of 1992.

11 BY MR. KIZZIA:

12 Q Why did you feel that way?

13 A Because the editor had written an editorial  
14 with the title Closing The Case, and I took him -- I took  
15 the title at its face value.

16 Q Okay. You say that you felt that the case was  
17 closed as far as JAMA was concerned in 1992. Did you feel  
18 that the case should be closed, as far as JAMA was  
19 concerned, in 1992?

20 MR. WATLER: Obejction. Asked and  
21 answered.

22 MR. BABCOCK: Same objection.

23 THE WITNESS: I did not.

24 BY MR. KIZZIA:

25 Q Did you say that you told Dr. Lundberg that you

1 didn't think it was advisable to publish anything more?

2 A Dr. Lundberg asked my opinion as part of a wide  
3 method of opinions he solicited as part of the JAMA  
4 routine. My opinion was that perhaps we had published  
5 enough. However, I was persuaded after listening to his  
6 reasons for, in effect, going beyond his own decision to  
7 close the case.

8 I was persuaded that since the controversy was  
9 continuing and there was additional interests that perhaps  
10 the additional papers, commentaries he proposed published  
11 might have value. And I accepted his decision.

12 Q I'm trying to understand why you felt in 1992  
13 that JAMA had published enough. What was your reason for  
14 thinking that?

15 MR. WATLER: Objection to the form of the  
16 question. He testified that that's what he thought in  
17 1992.

18 MR. KIZZIA: Can he answer the question  
19 now?

20 THE WITNESS: I did not think the case  
21 should be closed in 1992 or was closed or it -- my only  
22 thought on the matter was we had an editorial editor  
23 saying the case was closed. The only thoughts I have were  
24 in that context.

25 Q But I thought you said just a few answers ago

1 that you thought in 1992 that JAMA had published enough on  
2 the JFK. Did you feel that way?

3 A As evidenced by the editorial closing the case.  
4 JAMA has -- there are many topics that come before JAMA,  
5 many of which do not have to do with the Kennedy  
6 assassination.

7 Q Was there any other reason other than you've  
8 just expressed for feeling that JAMA had published enough  
9 on the JFK assassination in 1992?

10 A Those are my reasons, that we had published  
11 enough because we had published enough.

12 MR. BABCOCK: He wants to know anything  
13 else.

14 BY MR. KIZZIA:

15 Q Any other reasons?

16 A No.

17 (Depositin Exhibit No. 3-H marked.)

18 BY MR. KIZZIA:

19 Q Let me show you what I've had marked for  
20 identification purposes as Exhibit 3-H, which is the next  
21 document contained among the documents that are part of  
22 Exhibit No. 3. Can you identify Exhibit 3-H.

23 A 3-H is a special communication published on  
24 March 24, slash, 31, 1993, JAMA, by Dr. Robert Artwohl  
25 which --

1 MR. BABCOCK: That's fine. That's enough  
2 identification.

3 BY MR. KIZZIA:

4 Q Who is Dr. Artwohl?

5 A I do not know Dr. Artwohl. He appears to be a  
6 physician who wrote a special communication to JAMA.

7 Q Which was published in JAMA on March -- or --

8 A March 24, slash, 31.

9 Q 1993?

10 A Right.

11 Q Have you ever spoken to Dr. Artwohl?

12 A I have not.

13 Q Did Dr. Artwohl have any input in the three  
14 articles that you wrote regarding the JFK assassination  
15 that was published in JAMA in 1992?

16 A No.

17 Q Prior to writing those three articles, had you  
18 read anything written by Dr. Artwohl --

19 A No.

20 Q -- about the JFK case?

21 A No.

22 MR. BABCOCK: Wait a minute. Let him  
23 finish. You're going too fast. It's hard on the court  
24 reporter. We don't want to be hard on her.

25 (Deposition Exhibit No. 3-I marked.)

1 BY MR. KIZZIA:

2 Q The next document among the documents that are  
3 part of Exhibit No. 3 I've had marked for identification  
4 purposes as Exhibit 3-I. Can you identify Exhibit 3-I.

5 A 3-I is an article written by Dr. John K.  
6 Lattimer and published March 24, slash, 31, 1993 in JAMA.

7 Q Who is Dr. Lattimer?

8 A I know him only by his description as published  
9 here in JAMA.

10 Q Have you ever spoken with Dr. Lattimer?

11 A I have not.

12 Q Did Dr. Lattimer have any input in the three  
13 articles that you wrote for JAMA in 1992?

14 A What do you mean by input?

15 Q Well, would you, by your own definition of the  
16 word "input," consider him as having any input in writing  
17 the articles?

18 A In the indirect way that he -- Dr. Lattimer is  
19 published in the field of Kennedy assassination, and I did  
20 consult some of his prior publications, which is -- I  
21 believe were furnished to you. It may be in that stack at  
22 some point. But in the sense that I was aware of his  
23 earlier publications on the assassination, I did not talk  
24 to Dr. Lattimer and I had no direct involvement as you are  
25 referring to.

1 Q Are you saying that in or as part of the  
2 research that you did from writing the three articles for  
3 JAMA you read some of Dr. Lattimer's published writings on  
4 the case?

5 A That's correct.

6 Q Did you review anything written by Dr. Lattimer  
7 that was not published?

8 A I did not.

9 (Deposition Exhibit No. 3-J marked.)

10 BY MR. KIZZIA:

11 Q The next document among the documents that are  
12 produced in Exhibit 3 I've had marked for identification  
13 purposes as Exhibit 3-J. Could you tell me what that is.

14 A This is an editorial, I believe, written by Dr.  
15 Charles S. Petty published in the March 24, slash, 31,  
16 1993 JAMA.

17 Q Has JAMA published anything regarding the JFK  
18 assassination since the March 24, slash, 31st, 1993  
19 edition?

20 A Not to my knowledge.

21 Q Did you have any input or involvement with the  
22 editorial that's marked as Exhibit 3-D?

23 A Not directly. I may have; I can't recall. I  
24 may have read a copy as given to me as a courtesy. I  
25 expressed no opinion.

1 Q Did you have any written or oral comments about  
2 the editorial before it was published?

3 A I did not.

4 Q So you didn't have any input, then, in the  
5 editorial that's marked as Exhibit 3-D; is that right?

6 A The editorials are the prerogative of the  
7 editor. Any input I would have would be if he solicited  
8 my opinion.

9 Q Did he solicit your input or opinion?

10 A Not -- I believe I was given a copy to read.

11 Q And you had no comments after you read it; is  
12 that right?

13 A I had no comments.

14 Q So you had no input in the editorial?

15 A I had no input.

16 Q Did you have any input in the discussion as to  
17 which letters to the editor were to be published in JAMA?

18 A I did not.

19 Q Did you have any input in the article that's  
20 marked as Exhibit 3-H that was written by Dr. Artwohl?

21 A I did not.

22 Q Did you have any input in the article that's  
23 marked as Exhibit 3-I that was written by Dr. Lattimer?

24 A I did not except in its sense I've already  
25 explained, that I expressed the general opinion that



1 perhaps we did not need this additional package. And I  
2 was subsequently persuaded with the other reasons on why  
3 we did.

4 Q So you had that input into whether or not Dr.  
5 Artwhol and Dr. Lattimer's articles should be published?

6 A I had the input that I learned we were  
7 preparing to publish these articles and I raised the  
8 question that we needed to publish additional articles. I  
9 listened to the editor's reasons and I was persuaded that,  
10 okay, we would publish the additional articles. I had no  
11 direct input into the articles, per se.

12 Q You weren't involved in the writing or editing  
13 of those article?

14 A I was not -- well, I believe I wrote an  
15 editor's note in regard to -- I don't think that was in  
16 1992, so I did not.

17 Q All right. Let's go back to Exhibit 3-F. Are  
18 there any editor's notes on Exhibit 3-F that you wrote?

19 A 3-F is the eight letters, right, in 1992? Yes,  
20 there is. I wrote in -- I believe I wrote a reply. A  
21 reply, yes, I did write a reply right here.

22 Q You're pointing to --

23 A Page 1684.

24 Q Of JAMA?

25 A Of October 7, 1992.

1 Q And that's part of Exhibit 3-F?

2 A That's 3-F which was a package of eight letters  
3 published October 7, 1992.

4 Q Page 4 of Exhibit 3-F; is that right?

5 A Well, you know, the numbering is marked -- it's  
6 page 4 of this exhibit as you've assembled it. It's page  
7 1684 of JAMA.

8 Q What was your reply to?

9 A It's before you.

10 Q Well, I see where you have written a reply.  
11 You have identified that, and the title is, In Reply. My  
12 question to you is, what were you replying to?

13 A I was replying to the points raised by the  
14 eight letters, which is the normal JAMA --

15 MR. BABCOCK: All he wants to know is what  
16 you were replying to.

17 THE WITNESS: The eight letters.

18 MR. BABCOCK: He didn't know what the  
19 normal JAMA is.

20 BY MR. KIZZIA:

21 Q You were replying to the eight letters to the  
22 editor of JAMA that are part of the Exhibit 3-F?

23 A Right.

24 Q And that's -- those are letters from Arthur J.  
25 Wilson, M.D.; Gary Aguilar, M.D.; Patricia James, M.D.;

1 V.Q. Telford, M.D.; Clyde Howard, III; Anthony White,  
2 M.D.; David Mantik, M.D.; Wayne Smith, M.D.; is that  
3 right?

4 A And Mark Micozzi, M.D.

5 Q Mr. Micozzi is --

6 A Oh, wait a minute. He didn't reply, I'm sorry.

7 Q So you weren't replying to what Mr. Micozzi  
8 said?

9 A No. Right.

10 Q Do you know who Dr. Wilson is?

11 A I do not.

12 Q Do you know Dr. Aguilar?

13 A I do not.

14 Q Do you know Dr. James?

15 A I do not.

16 Q Do you know Mr. Telford -- or Dr. Telford?

17 A I do not.

18 Q Do you know Dr. White?

19 A No.

20 Q Do you know Dr. Mantik?

21 A No.

22 Q Do you know Dr. Smith?

23 A No.

24 Q Do you know anything about those persons that  
25 sent the letters to the editor?

1           A     Nothing.

2           Q     Do you know Dr. Micozzi?

3           A     Only by the fact that he published that reply  
4     in JAMA and I believe an earlier editorial in a May 27  
5     JAMA. I know nothing of him personally.

6           Q     Then your knowledge of Dr. Micozzi is basically  
7     the same as your knowledge of the other doctors who wrote  
8     letters to the editor?

9           A     Dr. Micozzi did not write a letter to the  
10    editor. He wrote an editorial published in the May 27,  
11    1992 issue of JAMA. Then he apparently wrote a reply to a  
12    letter addressed to one of the points he made in his  
13    editorial.

14          Q     But your knowledge of Dr. Micozzi, as I  
15    understand your description of it, is limited to your  
16    knowledge of what JAMA published that he wrote?

17          A     Right.

18          Q     Which is the same knowledge you have of the  
19    other doctors that wrote letters to the editors of JAMA.  
20    Your knowledge is limited to what JAMA published?

21          A     That's correct.

22          Q     Is the reply that's part of Exhibit 3-F the  
23    only reply that you wrote that was published in JAMA with  
24    regard to the JFK assassination?

25          A     That's correct.

1 MR. BABCOCK: When it's convenient, can we  
2 take a break?

3 MR. KIZZIA: Sure, we can take a break  
4 right now.

5 (A break was taken.)

6 BY MR. KIZZIA:

7 Q Mr. Breo, did you ever serve in the military?

8 A I did.

9 Q When?

10 A In 1965 to '70.

11 Q What branch of the service?

12 A It was the Illinois Army National Guard.

13 Q So that was while you were working for The  
14 Freeport Journal Standard?

15 A It was.

16 Q While you were initially employed with the AMA?

17 A Right.

18 Q What did you do for the National Guard?

19 A I was just a routine national guardsman. I did  
20 what they told me.

21 Q I imagine that's true with most of them, but  
22 did you have any specific job assignment?

23 A Well, in that particular period, there were  
24 numerous urban riots and we were mobilized through the  
25 1968 convention riots in Chicago, Martin Luther King riots

1 in '68. Then I believe in '69 and '70 on those  
2 anniversaries there were rumors of riots and we were  
3 mobilized again.

4 Other than that, there was fairly intensive --  
5 I mean other than, you know, the active duty part which  
6 was six months. The weekend drills were fairly intensive  
7 because there was various rumors that the guard would be  
8 activated for Vietnam, so essentially a preparation in  
9 case of a call-up for Vietnam or mobilization for the  
10 riots.

11 Q You weren't activated for participation in the  
12 Vietnam conflict, were you?

13 A I was not.

14 Q Did you say there was six months of active  
15 duty?

16 A There was.

17 Q When was that?

18 A 1965.

19 Q After that, it was weekend duty for the most  
20 part?

21 A Weekend duty.

22 Q Was that every weekend or just certain ones?

23 A It seemed like it. I think it got up to three  
24 weekends out of four during the summer months, less in the  
25 winter.

1           Q     Have you ever worked for any branch or agency  
2 of the federal government?

3           A     I have not.

4           Q     Have you ever worked for any law enforcement  
5 agencies?

6           A     I have not.

7           Q     You said that sometime between publication of  
8 the articles that appeared in JAMA in 1992 and publication  
9 of the articles in JAMA in 1993 regarding the JFK  
10 assassination, you discussed with Dr. Lundberg the  
11 advisability of publishing additional articles on the  
12 subject, and that you had expressed an opinion that JAMA  
13 had sufficiently covered the subject. But you were  
14 persuaded by Dr. Lundberg otherwise; is that correct?

15          A     That was the essence of the discussion.

16          Q     What was it that Dr. Lundberg told you that  
17 persuaded you that additional articles would be  
18 appropriate?

19          A     Well, he is the editor; it's his prerogative.  
20 So he did not require my approval or consent. And the --  
21 it was persuasive that the controversy in question and  
22 criticisms of our 1992 efforts had been made, and that  
23 these articles would respond to that and perhaps, you  
24 know, help the dialogue.

25          Q     So despite the publication of your three

1 articles, there still was an ongoing controversy even  
2 within the medical profession with regard to the JFK  
3 assassination, is that true?

4 A I did not achieve closure with my articles.

5 Q So you do agree that there was a ongoing  
6 controversy, even within the medical profession?

7 A I'm not sure how you would define ongoing  
8 controversy, but there were letters to the editor and  
9 there were additional communications, apparently made to  
10 Dr. Lundberg and others. And it was his decision to  
11 respond to the ongoing controversy, if you will.

12 Q To contribute to the dialogue -- to use the  
13 word you mentioned or used a minute ago -- was there any  
14 thought given to publishing articles that presented the  
15 opposing view or an opposing view, with regard to the  
16 medical aspects of the JFK assassination?

17 MR. BABCOCK: Let me just say at this  
18 point before you respond to that question, there is a  
19 concern -- and I'm not sure if this witness has any  
20 knowledge about this, so I'll probably let him answer.  
21 But just so we're on the record about this, JAMA would  
22 assert a privilege regarding unpublished material which is  
23 not germane to this case which obviously deals with  
24 articles that weren't published.

25 And to the extent that there was discovery



1 directly to JAMA regarding their editorial decisions not  
2 to publish something or what they might publish in the  
3 future, that type of thing. They're going to assert a  
4 privilege on that. I don't think this witness is involved  
5 with these sorts of things and I certainly will let you  
6 explore that with him but . . .

7 BY MR. KIZZIA:

8 Q Well, let me --

9 MR. WATLER: Let me also, for the record,  
10 raise an objection. I believe the inquiry's bound to the  
11 scope of discovery in this case. I understand you're  
12 saying -- as I understand it, the first three articles in  
13 JAMA offered by Mr. Breo, if I'm understanding your  
14 question, you're inquiring about decision making and  
15 thought processes that occurred after the publication of  
16 those articles. So I can't see how it would be relevant  
17 to the claims that you've made.

18 BY MR. KIZZIA:

19 Q Mr. Breo, were you involved at all in the  
20 decisions that were made by JAMA as to what articles or  
21 letters to the editor were to be published in JAMA  
22 pertaining to the JFK assassination?

23 A I was not.

24 Q Do you know what criteria is used or followed,  
25 if any, by JAMA in making decisions as to what letters to

1 the editor or articles are to be publish and what are not  
2 to be published?

3 A Only in the most general sense about letters to  
4 the editor are decided, any journalistic publication, you  
5 know, there's an editor that makes those decisions.

6 Q Can you -- do you have any more specific  
7 knowledge about the decision-making process at JAMA?

8 A The decision-making process at JAMA with regard  
9 to the letters to the editor is handled totally outside my  
10 purview of influence and knowledge.

11 Q Okay. What about articles that are submitted  
12 for publication?

13 A That's different people, but again, I had  
14 nothing to do with it.

15 Q So you do not know what criteria are utilized  
16 or followed, if any, by JAMA in deciding what articles are  
17 to be published and what letters to the editor are to be  
18 published and what are not?

19 A You know, I'm vaguely aware of certain  
20 criteria. You know, I can elaborate if you'd like to give  
21 me specific questions about criteria. What criteria did  
22 you have in mind?

23 Q Well, what criteria are you aware of?

24 MR. MCGRAW: I want to object on the lack  
25 of foundation to the question.

1 MR. BABCOCK: Sounds like a good  
2 objection. I'll make the same.

3 BY MR. KIZZIA:

4 Q Can you answer the question?

5 A You know, the only criteria I'm available --  
6 I'm aware of is they try to confine it to 500 words.

7 Q What about articles that are submitted for  
8 publication. Are you aware of any criteria that are used  
9 to follow in deciding which articles are to be published  
10 and which aren't?

11 MR. MCGRAW: Same objection.

12 MR. BABCOCK: Same objection. Go ahead  
13 and answer if you'd like.

14 THE WITNESS: Well, there's probably a  
15 whole science involved as to how you handle medical and  
16 scientific journals. It's not my expertise or interest.

17 BY MR. KIZZIA:

18 Q Well, my question to you, Mr. Breo, is whether  
19 or not you are aware of any of the criteria, if any, that  
20 JAMA follows in making decisions as to what articles are  
21 to be published and what articles are not to be published.

22 A Only in the most general, superficial sense.

23 Q Can you describe the criteria in the general,  
24 superficial sense that you are aware of?

25 A I cannot.

1           Q     Do you have any reason to believe that the  
2 normal process followed by JAMA in determining what  
3 letters to the editor are to be published and what  
4 articles are to be published and what letters and articles  
5 are not to be published, were not followed in the case of  
6 the JFK assassination?

7           A     Could you repeat that, please.

8           Q     Yes. Do you have any reason to believe that  
9 the normal process, whatever that process may be, that  
10 JAMA follows in deciding whether or not to publish certain  
11 letters to the editor and not to publish certain letters  
12 to the editor and deciding whether to publish certain  
13 articles that are submitted and deciding not to publish  
14 certain articles that are submitted, were not followed in  
15 the case of the JFK assassination?

16          A     No.

17                   MR. BABCOCK: Object to the form of the  
18 question.

19 BY. MR. KIZZIA:

20           Q     After you wrote your three articles pertaining  
21 to the JFK case which JAMA published in 1992, JAMA receive  
22 a number of letters that were critical of the articles; is  
23 that correct?

24          A     I --

25                   MR. BABCOCK: Object to the form of the

1 question. Go ahead.

2 THE WITNESS: I don't -- I have no  
3 knowledge beyond the fact that eight letters were  
4 published.

5 BY MR. KIZZIA:

6 Q Eight letters?

7 A As we discussed in great length before the  
8 break.

9 Q You don't have any other knowledge of letters  
10 that were written to JAMA or to the editor of JAMA  
11 pertaining to your articles other than the eight letters  
12 that are part of Exhibit 3-F?

13 A I don't handle the letters for JAMA. There's  
14 an editor who does his job and he handles all the letters  
15 on all the articles for JAMA.

16 Q Who is that that does that? Who has that  
17 responsibility?

18 A It's Dr. Drummond Rennie.

19 Q What is Dr. Rennie's position?

20 A He is the deputy editor west of JAMA.

21 Q Is one of his responsibilities to handle all  
22 letters to the editor of JAMA?

23 A That's one of his important responsibilities.

24 MR. WATLER: I will renew my earlier  
25 objection. I think we are spending a lot of time and

1 considerable expense in an area that I just cannot see is  
2 within the scope of discovery. Now, whether or not  
3 letters to the editor after the fact were published or not  
4 published has anything to do with your cause of action  
5 that you have asserted in your lawsuit. You know, it may  
6 be very interesting, and I'm enjoying it very much; but I  
7 don't think it's advancing the lawsuit one iota.

8 BY MR. KIZZIA:

9 Q Have you written any other articles that were  
10 published in JAMA?

11 A You mean other than the Kennedy assassination?

12 Q Other than these three articles in question?

13 A About the Kennedy assassination?

14 Q About anything.

15 A I have written other articles, yes.

16 Q That were published in JAMA?

17 A Yes.

18 Q What is the normal process that JAMA follows  
19 with regard to letters to the editor that are directed  
20 specifically or in specific response to articles that you  
21 may have written?

22 MR. BABCOCK: Hold on. Let me object.

23 I'm going to let him answer that, Brad, but following up  
24 on what Paul said, frankly, I must agree that I don't see  
25 the relevance of it. But it's your deposition; you ask

1           whatever questions you want. The point I want to make  
2           though is, you sent a letter to me yesterday where it said  
3           you weren't sure that we were going to get finished today.

4                         And just let me say for the record that any  
5           nonprivileged type questions you can ask him, but we  
6           reserve our right to object to this deposition continuing  
7           beyond today and certainly hauling him back down -- back  
8           down to Texas. I don't expect you to agree with me I'm  
9           just making a speech for the record.

10                        BY MR. WATLER: I would join that because,  
11           I mean, I think at least for the last half-hour or so you  
12           have been in an area that -- since we came back from our  
13           break earlier, my recollection, we've been in an area that  
14           I can't understand by any stretch of the pleadings is  
15           discoverable.

16                        I understand that his deposition is delayed so  
17           that it is not completed today by such inquiries. I think  
18           I would join in what Mr. Babcock said. You probably don't  
19           remember the question so . . .

20           BY MR. KIZZIA:

21                        Q       Well, let me ask it another way. Mr. Breo,  
22           what I'm interested in finding out is, normally when a  
23           letter is written to JAMA in response to an article you  
24           have written, is that letter forwarded on to you for your  
25           review?

1           A     What -- how are you defining review? What do  
2 you mean by review?

3           Q     Well, is that letter forwarded on to you,  
4 normally, if it's specifically in response to an article  
5 that you've written?

6           A     I believe if a letter is to be published, it  
7 would be forwarded on to me for my reading and possible  
8 response.

9           Q     What about letters to the editor in response to  
10 articles that you've written that Mr. Rennie decides not  
11 to publish?

12          A     I believe he would attempt to forward such  
13 letters on to me for my possible reply to the letter  
14 writer, if I so chose.

15          Q     All right. Going back to Exhibit 3-F, which  
16 contains copies of eight letters that were written to the  
17 editor of JAMA.

18          A     Uh-huh.

19          Q     You said that you saw those letters; is that  
20 right?

21          A     I saw them. They were shown to me as part of  
22 the opportunity for me to make a response, and I so did.

23          Q     Were you shown any other letters that were  
24 written to JAMA in response to your three articles?

25          A     I believe I was subsequently shown some letters



1 that were not published, that were shown to me for the  
2 opportunity to meet the reply personally to with the  
3 letter writer, if I so chose.

4 Q Did you personally reply to any letter writer  
5 who wrote a letter to JAMA in response to your three  
6 articles?

7 A I did not.

8 Q How many letters were forwarded on to you by  
9 Mr. Rennie for your consideration of a personal response  
10 which you didn't -- you chose not to respond to?

11 A I don't recall. There weren't that many.

12 Q Can you give me just a ballpark figure?

13 A Four, five, six.

14 Q Do you know whether or not JAMA received other  
15 letters in response to your three articles that were not  
16 forwarded on to you?

17 A I do not.

18 Q Going back to the document that is part of  
19 Exhibit 3. The next document appears to be a two-page  
20 memo or letter dated January 29th, 1992; is that right?

21 A Let me see. This appears to be a handwritten  
22 letter written by Dr. Lundberg.

23 Q Do these two pages go together?

24 A Yes.

25 Q Okay. Then I'm going to staple them together

1 and mark them for identification purposes as Exhibit 3-K.

2 (Deposition Exhibit No. 3-K marked.)

3 BY MR. KIZZIA:

4 Q Can you identify Exhibit 3-K for us.

5 A This appears to be a letter, handwritten letter  
6 from Dr. Lundberg to Dr. Humes.

7 Q Do you recognize Dr. Lundberg's writing?

8 A Yes, sir, with great difficulty. It's -- I  
9 have had trouble on occasion with reading Dr. Lundberg's  
10 writing. I have asked -- but I think I can make this out.

11 Q Okay. My question was not whether or not you  
12 could read Dr. Lundberg's writing but whether or not you  
13 recognize Dr. Lundberg's writing.

14 A I do.

15 Q And Exhibit No. 3-K is, then, a letter written  
16 by Dr. Lundberg, dated January 29th, 1992?

17 A It appears to be.

18 Q And it's addressed to Jim; is that right?

19 A It is.

20 Q How do you know that it's addressed to Dr.  
21 Humes?

22 A Well, by the content of the -- by its concepts,  
23 to the degree I can read them.

24 Q Had you seen this letter before?

25 A It was shared with me, I believe, by Dr. Glass,

1 to whom it appears to have been carboned.

2 MR. BABCOCK: His question was, have you  
3 seen this letter before? Have you seen this letter  
4 before?

5 THE WITNESS: Yes.

6 BY MR. KIZZIA:

7 Q You pointed to something that appears in the --  
8 some handwriting that appears in the upper right-hand  
9 corner of Exhibit 3-K. What is that?

10 A It appears to say Dr. Glass.

11 Q Who is Dr. Glass?

12 A Dr. Glass is the deputy editor of JAMA.

13 Q All right. Can you -- well, strike that. Was  
14 a copy of this letter sent to you on or shortly after  
15 January 29th, 1992?

16 A I can't recall.

17 Q You can't recall when you saw -- first saw this  
18 letter?

19 A No.

20 Q All right. Can you do your best at reading Dr.  
21 Lundberg's letter.

22 A Do you want me to read it aloud?

23 Q Please. Just the handwriting.

24 A 1-29-92 Jim, J. Boswell and his wife are coming  
25 to Florida in a few weeks. I agreed to meet with you if

1 you are willing -- or no, excuse me.

2 MR. MCGRAW: I'm going to object to this  
3 on the grounds that it calls for this witness to speculate  
4 over somebody else's handwriting.

5 BY MR. WATLER: I join the objection.

6 BY MR. BABCOCK: I join too particularly  
7 since you have Dr. Lundberg's deposition scheduled next  
8 week. I don't see any point in going over this with this  
9 witness at this time other than the delay.

10 THE WITNESS: All right. Let's start from  
11 the top. 1-29-92 Jim, J. Boswell and his wife are coming  
12 to Florida in a few weeks. J. agreed to meet with you, if  
13 you are willing, and me and my writer, Dennis Breo, in  
14 Jacksonville in late February or early March to talk about  
15 the Kennedy autopsy.

16 MR. BABCOCK: I don't want to contradict  
17 you in how you read the English language, but if you were  
18 willing, not if you are willing.

19 THE WITNESS: It's subjective. It appears  
20 to be.

21 I hope you will agree this time. It is  
22 really important to help clear the names of pathologists,  
23 the Navy, you and medicine from the powerful derogatory  
24 image of the movie JFK. Many millions of our young people  
25 now believe that you, the Navy, pathology were, slash, are

1 part of the conspiracy.

2 The Kennedy family, Ted specifically, favor  
3 release of all relevant information except photos of the  
4 autopsy itself. I hope you agree that the pages of JAMA  
5 is where the/your -- the, slash, your -- best remembrance  
6 of the JFK autopsy and related events belong to medicine  
7 and history.

8 Dennis and I will provide you and J. with a  
9 list of topics to encourage memory, assuming that no  
10 records are available to you at this time. Okay? How  
11 about March 3 or March 26? Best wishes, George.

12 BY MR. KIZZIA:

13 Q Had you ever spoken with Dr. Humes prior to  
14 January 29th, 1992?

15 A Prior to when?

16 Q January 29th, 1992.

17 A Very briefly. I had spoken with him on the  
18 phone.

19 Q Could you tell me when that conversation  
20 occurred.

21 A I can't really recall. It would have been  
22 sometime between my start -- my -- when I began my  
23 assignment at JAMA in June of 1989 and January 29 of 1992.

24 Q Did you call Dr. Humes or did Dr. Humes call  
25 you?

1           A     I called him.

2           Q     What was the purpose of your call?

3           A     To try to persuade him to discuss the Kennedy  
4           autopsy.

5           Q     What was the substance of your conversation at  
6           that time?

7           A     It was -- the substance was that I would be  
8           interested in interviewing him about the Kennedy autopsy  
9           for publication in JAMA.

10          Q     And was he interested at that time?

11                   MR. BABCOCK: Object to the form of the  
12           question.

13          BY MR. KIZZIA:

14          Q     Did he express to you that he was interested at  
15           that time?

16          A     He said he would let me know when he was  
17           prepared to do such, if he were to become prepared to do  
18           so.

19          Q     And did you hear back from him?

20          A     We heard back from him eventually before we did  
21           the interview..

22          Q     But that was after Dr. Lundberg had sent him  
23           the letter that's marked Exhibit 3-K?

24          A     It was after that, yes.

25          Q     Did you meet with Dr. Humes and Dr. Boswell and

1 Dr. Lundberg, in Florida, as is proposed in Dr. Lundberg's  
2 letter that's marked as Exhibit 3-K?

3 A Not quite. We met in April, as I recall.

4 Q Of 1992?

5 A Yes.

6 Q In Florida?

7 A In Florida.

8 Q Where in Florida?

9 A It was, you know, near Jacksonville at the -- I  
10 think it was the Marriott Sawgrass Hotel in Ponte Vedra.  
11 It was near the -- it was the -- it's where they have the  
12 tournament players championship golf tournament, right  
13 outside of Jacksonville.

14 Q How many times did you meet with Dr. Humes?

15 A For two days.

16 Q That one meeting over two days?

17 A Right.

18 Q And how many times did you meet with Dr.

19 Boswell?

20 A The same.

21 Q One meeting over two days?

22 A Yes.

23 Q Prior to that meeting in April of 1992, had you  
24 ever met Dr. Humes?

25 A I had not.

1 Q Had you ever met Dr. Boswell?

2 A I had not.

3 Q And was Dr. Lundberg present during the two-day  
4 meeting?

5 A He was.

6 Q Was anyone else present?

7 A No one.

8 Q Did you provide Dr. Humes and Dr. Boswell with  
9 a list of topics to encourage memory prior to the meeting?

10 A I can't recall if we provided it prior or  
11 during.

12 Q But there was a list of topics prepared and  
13 provided to them?

14 A We had a list of questions.

15 Q Who prepared the list of questions?

16 A Dr. Lundberg and I did.

17 Q Together?

18 A Together.

19 Q Was it a typed list or a handwritten list?

20 A It was handwritten by him.

21 Q By who?

22 A By Dr. Lundberg.

23 Q With your input?

24 A With my input. And I can't recall, it may have  
25 subsequently been typed to submit to them.



1           Q     So were copies of this list provided to Dr.  
2 Humes and Dr. Boswell?

3           A     I can't recall if we handed them the questions  
4 or if we just had the questions and went through them with  
5 them.

6           Q     Do you still have the list of questions?

7                   MR. BABCOCK:   The ones for Humes and  
8 Boswell he's talking about.

9                   THE WITNESS:   Could you repeat the  
10 question.

11 BY. MR. KIZZIA:

12           Q     Do you have the list of questions, or a copy of  
13 the list of questions, or copies that were either provided  
14 to Dr. Boswell and to Dr. Humes or were used at the  
15 meeting?

16           A     I do not.

17           Q     Do you know of anyone who has the list of  
18 questions or topics or a copy thereof?

19           A     It's my recollection that the same questions  
20 were used during my interview with Dr. Finck.

21                   MR. KIZZIA:   Objection.   Nonresponsive.

22 BY MR. KIZZIA:

23           Q     Are you saying that you gave the list of  
24 questions to Dr. Finck?

25           A     I had the list of questions when I interviewed

1 Dr. Finck subsequent to the May interview with Humes and  
2 Boswell.

3 Q All right. Then what happened to it?

4 A It's in my materials with the Finck interview.

5 Q So you still have it back at your office?

6 A I'm not sure where it is in terms of the  
7 production of documents and discovery we're going through.

8 MR. BABCOCK: Brad, we can clear this up.  
9 There is a copy of the questions that were asked for  
10 Finck. He thinks that those are the same questions that  
11 were asked of the other two. He does not have a copy of  
12 the document that was prepared for Boswell and Humes, but  
13 he does have one for Finck.

14 BY MR. KIZZIA:

15 Q Is that among the materials that are part of  
16 Exhibit 3 that we haven't gotten to yet?

17 MR. BABCOCK: No.

18 THE WITNESS: No.

19 BY MR. KIZZIA:

20 Q Do you have it here in Dallas?

21 MR. BABCOCK: I think we have it, Brad.

22 MR. KIZZIA: Are y'all going to want take  
23 a lunch break at some point?

24 MR. BABCOCK: Sure.

25 MR. KIZZIA: Would it be any problem with

1 providing me with that after lunch?

2 MR. BABCOCK: No, not at all.

3 BY MR. KIZZIA:

4 Q The next document among the documents that are  
5 part of Exhibit 3 I'll have marked as Exhibit 3-L.

6 (Deposition Exhibit No. 3-L marked.)

7 BY MR. KIZZIA:

8 Q Can you identify Exhibit 3-L for me?

9 A 3-L appears to be a letter dated February 25,  
10 1992 from Dr. Lundberg to Dr. Pierre Finck in Switzerland.

11 Q It reflects that you received a copy of the  
12 letter?

13 A It does.

14 Q It appears that an invitation was to Dr. Finck  
15 to attend the meeting in Florida; is that right?

16 A Yes, that's correct.

17 Q Did he except that invitation?

18 A He was unable -- he did not get it --

19 MR. BABCOCK: Did he accept it?

20 THE WITNESS: He did not.

21 BY MR. KIZZIA:

22 Q Do you know why he didn't accept it?

23 A He did not receive the invitation. He travels  
24 extensively internationally and he did not receive the  
25 invitation in time to make arrangements for our preset

1 dates.

2 (Deposition Exhibit No. 3-M marked.)

3 BY MR. KIZZIA:

4 Q The next document among the documents that are  
5 part of Exhibit 3 I've had marked as Exhibit 3-M. Can you  
6 identify Exhibit 3-M.

7 A 3-M is a letter from -- a typed letter from Dr.  
8 Lundberg dated March 27, 1992 to Dr. Finck in Switzerland.

9 Q And it shows that you received a copy of it?

10 A I did.

11 (Deposition Exhibit No. 3-N marked.)

12 BY MR. KIZZIA:

13 Q The next document among the documents that are  
14 part of Exhibit 3 I've had marked as Exhibit 3-N. Can you  
15 identify 3-N?

16 A 3-N appears to be a handwritten -- the  
17 handwriting of Dr. Richard Glass -- I think -- I don't  
18 think I've seen this before but it appears to be his --  
19 some jottings on the interviews with Humes and Boswell.

20 Q Do you recognize Dr. Glass's handwriting?

21 A I do.

22 Q Do you know when Dr. Glass made the notes that  
23 are marked as Exhibit 3-N?

24 A I don't know. I would presume --

25 MR. BABCOCK: Don't presume.

1 THE WITNESS: I don't know.

2 BY MR. KIZZIA:

3 Q Did Dr. Glass participate in the meeting with  
4 Dr. Humes and Dr. Boswell in Florida?

5 A He did not.

6 Q Can you read the handwriting that's on Exhibit  
7 3-N?

8 A With great difficulty. Do you want me to  
9 attempt to read it?

10 Q Yeah, please.

11 MR. MCGRAW: I'm going to object to the  
12 grounds that calls for speculation.

13 MR. BABCOCK: Same objection. Go ahead.

14 THE WITNESS: Humes story, question mark,  
15 photographer, copyright, control exhibits, question mark,  
16 format, length, pub date, background reading for D. Breo,  
17 specific schedule -- I can't make out the next word, it  
18 could be housing -- advance permission from Kennedy  
19 family, question mark, Warren Commission, medical  
20 literature on JFK's post mortem.

21 BY MR. KIZZIA:

22 Q Did you have a discussion with Dr. Glass about  
23 the stories that you were going to write on the JFK  
24 assassination before your meeting with Dr.s Humes and  
25 Boswell?

1           A     He was aware of the interviews and we did  
2 discuss it.

3           Q     You did discuss it?

4           A     We did discuss that the interviews were going  
5 to take place.

6           Q     Did he have any input into what was to be  
7 discussed with Dr. Humes and Dr. Boswell?

8           A     He did. I asked him if he had questions,  
9 thoughts, comments.

10          Q     And what questions, thoughts, comments did he  
11 have, if any?

12          A     Well, here you see some of his issues,  
13 concerns. I believe he may have given me a list of two or  
14 three questions that he thought might be appropriate.

15   (Deposition Exhibit No. 3-0 marked.)

16 BY MR. KIZZIA:

17          Q     All right. Let me show you what I've had  
18 marked for identification purposes as Exhibit 3-0, which  
19 is the next document among the documents that are marked  
20 Exhibit 3. Can you identify 3-0?

21          A     I can.

22          Q     What is it?

23          A     It's a handwritten letter, 4-2-92 from Dr.  
24 Richard Glass.

25          Q     To who?

1           A     To myself.

2           Q     And did you receive that letter?

3           A     I did.

4           Q     On or about April 2nd, 1992?

5           A     I did.

6           Q     What does the letter say?

7           A     Well, the letter is suggested questions for the  
8 interview.

9           Q     Can you read that?

10          A     I can attempt it. Dennis, my suggestions raise  
11 essential questions for the Humes, et al., interview.

12 What were the major positive and negative findings of the  
13 JFK autopsy? In particular: Entrance and exit gunshot  
14 wounds compatible with a single bullet or not, question  
15 mark. Adrenal gland abnormalities, question mark.

16                   Have any of the autopsy findings not been  
17 revealed in any of the previously published reports? If  
18 not, why not? Did he burn his notes? If so, why? What  
19 light on the autopsy findings together with the  
20 characteristics of Governor Connally's wounds, if they are  
21 familiar with them. I can't make out that word -- in the  
22 controversy regarding a single assassin versus shots being  
23 fired from more than one location?

24          Q     Signed Richard?

25          A     Signed Richard.

1 Q Was Dr. Glass in the same JAMA office as you?

2 A He is.

3 Q Where was he at the time?

4 A He was.

5 Q In Chicago?

6 A In Chicago.

7 Q So would the documents marked Exhibit No. 3-0  
8 been sent to you intraoffice mail or was it sent to you by  
9 outside mail or what?

10 A It may very well been handed to me. Dr. Glass  
11 is my other at work. I work closely with Dr. Glass.

12 Q Going back to Exhibit 3-M, the letter from Dr.  
13 Lundberg to Dr. Finck dated March 27th, 1992 shows that a  
14 copy was sent to Dr. Glass in addition to you.

15 A Right.

16 Q Do you see that? And there's a little check  
17 mark by Dr. Glass's name. Do you see that?

18 A No.

19 Q Does that suggest that this document came from  
20 Dr. Glass's file as opposed to your file?

21 A It could mean almost anything. It could mean  
22 almost anything.

23 Q Well, it does suggest that the letter that's  
24 marked as Exhibit 3-M is a copy of the copy that was sent  
25 to Dr. Glass as opposed to the copy that was sent to you,



1 doesn't it?

2 A That's right Dr. Glass and I work closely, meet  
3 regularly, and he may very well handed me a copy of what  
4 was given to him as opposed to copying both of us.

5 Q Did you keep a file on the JFK assassination?

6 A Did I keep a file? What do you mean by file?

7 Q Well, what would you mean by file?

8 A I'm interested in what you mean since it's --  
9 it's your deposition.

10 Q Well, when you write an article, do you  
11 generally prepare a file pertaining to that article?

12 A It depends on the event, the story I'm doing.

13 Q So some stories you prepare files and some  
14 stories you don't?

15 A It would depend on the news event. If your  
16 covering on medical emergency, you know, a medical  
17 response to a national disaster, you jump on a plane and  
18 go.

19 You know, you might read the morning newspapers  
20 on the way. For a different kind of story, you might do  
21 background research before you start. So there's a  
22 spectrum of preparation.

23 Q Well, in this particular case, with regard to  
24 the three articles that you wrote regarding the JFK  
25 assassination that was published in JAMA in 1992, did you

1 prepare and keep a file pertaining to those articles?

2 A As I discussed, Dr. Lundberg and I prepared  
3 some advance questions. I incorporated Dr. Glass's  
4 suggestions, which we've just been over, in that file. I  
5 did a library search and came up with some articles on the  
6 Kennedy assassination which I read and --

7 Q Put copies in your file?

8 A -- put copies in my file. And, you know, if I  
9 read an article in the daily press that was pertinent, I  
10 might clip that and put it in the file.

11 Q Did you put a name or an identifying label on  
12 that file?

13 A Do you mean prior to the interviews or  
14 subsequent to the publication? What time period are you  
15 talking about?

16 Q Did you have different files, one for before  
17 the interviews and one for after?

18 A No. You've got one grouping of material that  
19 my file may be nothing more complicated than sticking in  
20 an envelope as opposed to lying loose on your desk.

21 Q Well, how did you keep the grouping of  
22 materials that you've just described pertaining to these  
23 articles on the JFK case?

24 A I -- prior to the interviews it would just be a  
25 pile of papers in my office.

1 Q At some point did you put these materials in a  
2 file folder or a group of folders?

3 A I think subsequent to publication I took a  
4 large AMA envelope and put them in the envelope and wrote  
5 JFK on it and that was my file.

6 Q And what did you do with that file?

7 A I put it in the drawer in my office.

8 Q Did you keep a separate file from any file that  
9 may have been kept by Dr. Glass regarding those articles?

10 MR. BABCOCK: Objection to the form of  
11 question.

12 THE WITNESS: I have no knowledge if Dr.  
13 Glass kept a file or had a file.

14 BY MR. KIZZIA:

15 Q But Dr. -- but the file that you're talking  
16 about is one that you kept -- prepared and kept  
17 personally?

18 A Right.

19 Q And do you still have that file?

20 A I believe that we're going through it as we  
21 talk.

22 Q You do still have the file with the original  
23 documents in it; is that right?

24 A Of which these are copies, yes.

25 Q Was anything that you placed in that file from

1 the time you received the assignment to do these articles  
2 and during the course of your research and interviews and  
3 writing the articles, that you've destroyed?

4 A That I destroyed. By destroyed do you.  
5 want . . .

6 Q Well, the normal usage of the word, shredded.  
7 Okay?

8 A I have never shredded --

9 Q Anything?

10 A I have never shredded anything in my life.

11 Q What about thrown away?

12 A There were various parts of the file in regard  
13 to the assassination stories that as appropriate were in  
14 normal routine discarded.

15 Q What types of things were discarded?

16 A Press clippings. Things I might have read  
17 about the assassination or comments, things that -- once  
18 the -- once we had published the articles that essentially  
19 was, you know, the end for the need in my files.

20 Q But you did keep the file?

21 A I kept those parts of the file that I thought  
22 needed to be kept.

23 Q Well, what parts of the file did you think  
24 needed to be kept?

25 A Well, some of them we're going through right

1 now.

2 Q Well, how did you decide what parts of the file  
3 would be kept and what parts of the file would be thrown  
4 away?

5 A You know, there's no great effort involved in  
6 this. And every article I've written for AMA, which there  
7 may be three hundred by now, whatever I have in front of  
8 me when I begin to write would get stuck into a file.  
9 After I've written, and in due course fairly shortly,  
10 would be tossed aside as new stories and new files take  
11 its place.

12 Q But as I understand your testimony, you kept a  
13 file on these -- on the stories that you did regarding the  
14 JFK assassination, but some of the contents you discarded  
15 and some of the contents you kept. So my question to you  
16 is, how did you decide what portions of the JFK file to  
17 keep and what portion of the file did you throw away?

18 A You know, there was no great triage process I  
19 went through. It may have been the size of the envelope I  
20 had to put things in. You know, parts of it were  
21 different stages in doing a story. You have the stuff  
22 before you get ready to do the interview and you have the  
23 stuff you take to the interview.

24 You have the stuff after the interview when you sit  
25 down to write, and it's, you know -- there was no

1 particular rhyme or reason to what I kept or what I  
2 discarded.

3 Q Was there anyone involved in the decision  
4 making process as to what to discard from your file and  
5 what not to discard from your file, other than yourself?

6 A No.

7 (Deposition Exhibit No. 3-P marked.)

8 BY MR. KIZZIA:

9 Q All right. Let me show you the next document  
10 that is part of the Exhibit 3. I've had it marked for  
11 identification purposes as Exhibit 3-P. Can you identify  
12 that document.

13 A This is a memo from myself to Dr. Lundberg on  
14 May 8th, 1992.

15 Q Did Dr. Lundberg work out of the Chicago AMA  
16 office also?

17 A He did. He does.

18 Q And Exhibit 3-P shows that you sent a copy of  
19 it to your editor Dr. Glass?

20 A I did.

21 Q Down at the bottom there's a little scribble in  
22 there. Do you see that?

23 A That's the little journalistic notation for  
24 finished.

25 MR. BABCOCK: He just asked you if you see

1 it.

2 THE WITNESS: I do see it.

3 BY MR. KIZZIA:

4 Q Did you write that on there?

5 A I did.

6 Q Who is Lee Frank?

7 A Do you see something unusual in that?

8 MR. BABCOCK: Oh, don't worry about that.

9 THE WITNESS: Lee Frank is the JAMA copy  
10 editor, I believe who edited the Kennedy package.

11 BY MR. KIZZIA:

12 Q Is Lee Frank a man or a woman?

13 A Lee Frank is a man.

14 Q How is Mr. Frank's job different from Dr.  
15 Glass's job?

16 A Night and day. Dr. Lundberg is a physician and  
17 is the editor of JAMA. Mr. Frank is one of maybe 10, 12  
18 JAMA copy editors and he edits along with the other 10 or  
19 12 all of the content of JAMA. So you have the editor and  
20 you have a copy editor. That's the difference. One is an  
21 M.D. and one is not.

22 Q And what is Dr. Glass's role?

23 A Dr. Glass is the deputy editor of JAMA and my  
24 direct supervisor.

25 Q How was Dr. Glass's role pertaining to the

1 three articles in the JFK case that you wrote different  
2 from the role of Dr. -- of Mr. Frank?

3 A Well, I mean Dr. Glass is, in effect, the  
4 surgeon for Dr. Lundberg. He is the alternate editor and  
5 the editor with whom I work most closely with. Lee Frank,  
6 as I mentioned, is one of many copy editors at JAMA who  
7 edit the entire contents of each week's issue. He just  
8 happened to be the copy editor assigned to the Kennedy  
9 stories.

10 Q The next document among the documents that are  
11 part of Exhibit 3 I'm marking as Exhibit 3-Q.

12 (Deposition Exhibit No. 3-Q marked.)

13 BY MR. KIZZIA:

14 Q Can you identify Exhibit 3-Q for us?

15 A 3-Q appears to be a routing memo from Dr.  
16 Lundberg to myself on March, either 24 or 29 there's no  
17 year given.

18 Q It also has some handwriting on it, doesn't it?

19 A It does.

20 Q Whose handwriting is that?

21 A Dr. Lundberg

22 Q Can you read Dr. Lundberg's writing?

23 A I will try. If we can make this Humes thing  
24 happen, I might be able to deliver Earl Rose for you,  
25 slash, us also. He autopsied both Jack Ruby and Lee H.



1 Oswald and tried to prevent the theft of the JFK body from  
2 his Dallas jurisdiction. Perhaps a good story there, too.

3 MR. BABCOCK: Question mark.

4 THE WITNESS: Question mark.

5 BY MR. KIZZIA:

6 Q Was that note directed to you?

7 A It was.

8 Q And did Dr. Lundberg deliver Earl Rose for you?

9 A That -- a combination of my efforts and Dr.  
10 Lundberg's efforts persuaded Dr. Rose to an interview with  
11 JAMA.

12 Q What were your efforts?

13 A My efforts were to pick up the telephone and  
14 call Dr. Rose and tell him I'd like to interview him. And  
15 he agreed.

16 Q Was that sometime after March 29th, 1992?

17 A It was.

18 Q How many times did you talk to Dr. Rose about  
19 setting up an interview?

20 A I talked to him once.

21 Q When did you interview Dr. Rose?

22 A I believe it was late April, '92.

23 Q Where did that interview take place?

24 A In Iowa City.

25 Q Iowa City, Iowa?

1 A Iowa City, Iowa.

2 Q Did anyone else attend that interview?

3 A I believe his wife may have sat in on part of  
4 it.

5 Q Dr. Rose's wife?

6 A Dr. Rose's wife.

7 Q Is that where Dr. Rose lives now?

8 A That's where he lives.

9 Q What were Dr. Lundberg's efforts?

10 A I believe Dr. Lundberg's efforts were to find  
11 that note you just read suggesting the interview with Dr.  
12 Rose.

13 Q I thought -- I understood you to say that as a  
14 result of the combined efforts with you and Dr. Lundberg  
15 you were able to --

16 A That was the day after the combination  
17 suggesting that I should do the interview.

18 (Deposition Exhibit No. 3-R marked.)

19 BY MR. KIZZIA:

20 Q The next document among the documents that are  
21 part of Exhibit 3 I've had marked for identification  
22 purposes as Exhibit 3-R. Can you identify Exhibit 3-R.

23 A 3-R is a handwritten letter from Dr. Lundberg  
24 dated 12-26-91 to a dear Jim -- well dear Jim.

25 Q Up in the left-hand corner of Exhibit 3-R it

1 appears to say Mr. Breo?

2 A Right.

3 Q Is that in Dr. Lundberg's letter?

4 A I can't tell; maybe Dr. Glass. It's one or the  
5 other.

6 Q Did you receive a copy of the December 26th,  
7 1991 letter from Dr. Lundberg to Jim?

8 A I received it from either Dr. Lundberg or Dr.  
9 Glass.

10 Q Who was Jim?

11 A I presume from contents that's Jim Humes.

12 Q Can you read Exhibit 3-R.

13 MR. MCGRAW: I'm going to renew the  
14 objection. I think it ought to be clear that this witness  
15 is reading someone else's handwriting to the best of his  
16 ability and there shouldn't be a representation that this  
17 is precisely what these documents say. The author of the  
18 documents ought to be the one asked to read the documents.

19 MR. BABCOCK: Same objection.

20 BY MR. KIZZIA:

21 Q Go ahead to the best of your ability.

22 A Dear Jim, Happy holidays. I hope all is well  
23 with you and Ann. Did you talk to Bosworth -- which I  
24 presume he means Boswell.

25 BY MR. BABCOCK: Well, don't presume

1 anything, just read it.

2 THE WITNESS: Have you seen the movie JFK?  
3 three hours and 15 minutes of truth mixed with non-truth  
4 mixed with alleged truth. For the younger person not  
5 knowledgeable about 1963, it's very difficult to tell the  
6 difference.

7 Please either write the truth -- please either  
8 write the truth now for JAMA or let Dennis Breo and me,  
9 question mark, interview you and Bosworth, question mark,  
10 soon to set the record straight, at least about the  
11 autopsy. Okay? Best wishes, George.

12 BY MR. KIZZIA:

13 Q Which is your understanding that Dr. Lundberg  
14 and Dr. Humes were friends?

15 A It is my understanding they were.

16 (Deposition Exhibit No. 3-S marked.)

17 BY MR. KIZZIA:

18 Q The next documents among the documents that are  
19 part of Exhibit 3 I've had marked for identification  
20 purposes as Exhibit 3-S. Can you identify that.

21 A This appears to be a handwritten letter from  
22 Dr. Lundberg to Jim dated 1-29-92. We've been over this  
23 before.

24 Q Does exhibit --

25 A Accept this is only one page.

1 Q Does Exhibit 3-S appear to be a copy of Exhibit  
2 3-K --

3 A It does.

4 Q -- except in the upper right-hand corner on  
5 Exhibit 3-K it says Dr. Glass and in the upper right-hand  
6 corner of Exhibit 3-S it says Mr. Breo?

7 A That appears to be the only difference.

8 Q So these two pages that are part of Exhibit 3-S  
9 go together?

10 A Right.

11 Q Now, the next four pages of the document that  
12 are part of Exhibit 3 appear to me to go together. Could  
13 you check those four pages and see if you agree.

14 A They do.

15 Q I'm going to staple those four pages together  
16 and mark them for identification purposes as Exhibit 3-T.

17 (Deposition Exhibit No. 3-T marked.)

18 BY MR. KIZZIA:

19 Q Can you identify Exhibit 3-T for us, please?

20 A This appears to be a press release -- news  
21 release written by the -- it appears to be a news release  
22 in regard to the Kennedy stories published in the May 27  
23 JAMA.

24 MR. BABCOCK: Let me see it real quick.

25 BY MR. KIZZIA:

1 Q Was a news release about the three articles  
2 that you wrote concerning the JFK assassination sent out  
3 by JAMA prior to the publication of the articles?

4 A I'm not sure if it was sent out or handed out.

5 Q But it was disseminated prior to the  
6 publication of your articles?

7 A Prior to the publication date of the articles.

8 Q All right. Exhibit 3-T states that it is a  
9 news release by the American Medical Association embargo  
10 for release 10:00 a.m. eastern daylight time, Tuesday, May  
11 19th, 1992; is that right?

12 A That's correct.

13 Q What does it mean by embargo for release?

14 A That means that the contents cannot be  
15 published or broadcast prior to that time.

16 Q Prior to May 19th, 1992?

17 A At 10:00 a.m. eastern daylight time.

18 Q What was planned to take place on 10:00 a.m. on  
19 Tuesday, May 19th, 1992?

20 A A press conference regarding the publication of  
21 the articles.

22 Q Of your articles on the JFK case?

23 A My articles.

24 Q Were you involved in the preparation of the  
25 news release that is marked as Exhibit 3-T?

1           A     Minimally.

2           Q     Describe your involvement.

3           A     Well, indirectly, my involvement was I had  
4 written the articles which are the basis for the press  
5 release. The only other involvement I had was to read the  
6 draft of the press release as written by the AMA unit that  
7 handles press releases and to make any comments or  
8 suggestions that I had.

9           Q     Who wrote the news release that's marked as  
10 Exhibit 3-T?

11          A     I'm not sure.

12          Q     You said that it was written by a particular  
13 unit or people in a particular unit at JAMA?

14          A     Yeah.

15          Q     What unit is that?

16          A     No, not at JAMA. At AMA.

17          Q     What unit is that?

18          A     It either would have been the unit of the AMA  
19 science news department, the AMA department of public  
20 information.

21          Q     Do you know which unit prepared the news  
22 release that's marked as Exhibit 3-T?

23          A     I don't know who wrote the release which would  
24 be the essence of the preparation. And I'm not sure --  
25 they may have collaborated.

1 Q You don't know?

2 A I don't know. It was -- I would assume it was  
3 one of these two names. Which one it was, I don't know.  
4 They may have done it together.

5 Q Okay. You are pointing to the second line of  
6 news release that says for further information contact  
7 Jeff Molter or Paul Tarini.

8 A Right.

9 Q And then a phone number?

10 A Right.

11 Q The phone number is 312-464-4430?

12 A That's right.

13 Q What is that phone number?

14 A That is the phone number -- I believe that's  
15 Mr. Molter's phone number. He is the director of the  
16 department of science news.

17 Q And who is Paul Tarini?

18 A Paul Tarini is a public information officer,  
19 who -- I'm not sure -- works for and with Jeff Molter, who  
20 works for public information, which often works closely to  
21 science news. There all -- the unit works with the  
22 outside press and the outside world, at AMA activities.

23 Q When was this news release that's marked as  
24 Exhibit 3-T prepared?

25 A Prior to May, 1992.



1           Q     How far in advance of May, 1992 did you receive  
2 your draft copy?

3                   MR. BABCOCK: Object to the form of the  
4 question.

5                   THE WITNESS: It was right around that  
6 time. It was --

7 BY MR. KIZZIA:

8           Q     The same day, day before, two days before?

9           A     Probably the day before, two days.

10          Q     You said that you were provided with an  
11 advanced copy for your review and comments?

12          A     Right.

13          Q     Did you review it?

14          A     I did review it.

15          Q     Before it was released?

16          A     I did.

17          Q     And did you have any comments about the draft  
18 copy that you received?

19          A     Minor. A few.

20          Q     What comments did you have?

21          A     I can't recall.

22          Q     Was the news release or the wording of the news  
23 release changed in any way as a result of whatever  
24 comments you had?

25          A     I believe it was changed minimally.

1 Q But you can't say how it was changed?

2 A I really can't recall. I mean, I read it only  
3 with an eye to -- you know, if everything was spelled  
4 right, does it have the date right, stuff like that, you  
5 know, the essence of the article is right, if they got my  
6 name spelled right. That was it.

7 Q You didn't have any comments or suggestions  
8 about the substance of the news release?

9 A Well, I had the comment that, you know, this  
10 appears to summarize the contents of the articles.

11 Q Okay.

12 A You know, had I thought it was egregiously in  
13 error, I would have said something.

14 Q With regard to the minimal changes that you  
15 suggested, did those changes have anything to do with the  
16 substance of the news release as opposed to just spelling  
17 of words or that sort of thing?

18 A They did not. They were on the lines, of the  
19 two of you were interviewed by Dennis L. Breo, JAMA --  
20 they may have had a JAMA writer, and I said, change that  
21 to JAMA national correspondent. Minor changes.

22 Q Anything else that you can remember?

23 A No.

24 Q What was the purpose of the news release?

25 A The purpose of the news release was to -- news

1 releases are done weekly for every issue of JAMA to alert  
2 the outside news media, particularly the science writers,  
3 of what the contents of JAMA for a given week is. And in  
4 this case it was written to be handed out at the press  
5 conference.

6 Q JAMA's published weekly; is that right?

7 A 48 times a year.

8 Q Almost every week, then?

9 A Four weeks are skipped.

10 Q Which four weeks?

11 A It varies from year to year. It has to do with  
12 what months have five weeks. It's not my domain. It's  
13 worked out at the start of the year.

14 Q So is it your testimony that a news release is  
15 sent out by the AMA regarding JAMA editions every week?

16 A It's done by the science news department every  
17 week, right.

18 Q And to whom are those news releases sent?

19 A Preselected members of the media and mostly  
20 those who are interested in receiving the news release.  
21 Most of them are, of course, science writers and major  
22 prints of broadcast outlets.

23 Q Do those news releases -- news releases  
24 normally touch upon all of the subjects covered in the  
25 particular JAMA addition?

1           A     No. They touch upon the highlights of a given  
2 issue.

3           Q     This particular news release marked Exhibit 3-T  
4 it, appears that it only refers to your articles.

5           A     That may have been a -- it may appear that way  
6 but this news release may have been in addition to the  
7 regular news release on scientific content of JAMA. It  
8 may have been an add-on. That's my recollection. There  
9 was also a -- the regular news release for the scientific  
10 content of that particular issue.

11          Q     So you're saying that the news release that is  
12 marked as Exhibit 3-T, then, it was a special news  
13 release?

14          A     For the purposes of the press conference.

15          Q     So your answer is yes?

16          A     What was the question again?

17          Q     The news release that is marked as Exhibit 3-T  
18 was a special news release? It wasn't the typical weekly  
19 news release that was sent out by the AMA?

20          A     It was both. It was a typical news release  
21 that would go out weekly with the highlights of the given  
22 issue of JAMA. In this case it was prepared separately to  
23 be handed out at a press conference on May 19th.

24          Q     Did JAMA hold weekly press conferences?

25          A     This entire area is outside of my domain. I

1           A     I was not involved.

2           Q     I take it, then, you were just told that a  
3 press conference was going to be held?

4           A     Yes.

5           Q     Who told you that?

6           A     Dr. Lundberg.

7           Q     Were you also told that you were to participate  
8 in that press conference?

9           A     I was -- it was suggested that it would be  
10 appropriate if I -- what do you mean by participate?

11          Q     Well, what were you told as to what your  
12 participation would be?

13          A     I was told that there would be a press  
14 conference and it would be appropriate if I attended.

15          Q     And who told you that?

16          A     Dr. Lundberg.

17          Q     Did you attend the press conference?

18          A     I did.

19          Q     Was this press conference given by The American  
20 Medical Association?

21          A     It was.

22          Q     Who were the speakers at the press conference?

23          A     As I recall, the speakers would have been Mr.  
24 Robin Matell, who is the vice president for public  
25 affairs, public relations, communications -- whatever the

1 title is -- who opened the press conference, and Dr.  
2 Lundberg and I both made remarks.

3 Q Did anybody else speak on behalf of the AMA at  
4 the press conference other than Mr. Matel and Dr. Lundberg  
5 and yourself?

6 A Those were the main speakers. There was a Q  
7 and A period during which other AMA public relations  
8 people might have spoken by way of saying, and your turn,  
9 okay, you know, that type of thing. But there were no  
10 substantive remarks other than Dr. Lundberg and myself.

11 Q How do you spell Mr. Matel's name?

12 A It's M as in mother, A, T as in Tom, I believe  
13 one L.

14 MR. BABCOCK: Is that the best you can do?

15 THE WITNESS: That's the best I can do.

16 MR. WATLER: Can I see that last exhibit  
17 if you're through with it, Brad.

18 BY MR. KIZZIA:

19 Q All right. Going back to the next documents  
20 that are part of Exhibit 3. It looks to me like the next  
21 five pages go together. I'll hand them to you and see if  
22 you agree.

23 A They do. They appear to be out of order.

24 Q If they appear to be out of order why don't you  
25 put them in order.

1           A     I can't tell because I can't tell the page  
2 numbers, they're screwed. I'm having trouble putting  
3 these without spending a fair amount of time because I  
4 can't read the page numbers at the top of the page. I  
5 mean, the five do go together. Lines, paragraphs, four  
6 paragraphs at the bottom of the page.

7                     I don't have any trouble getting it exactly --  
8 well, these two go together. That's the last, so I would  
9 imagine that -- it would appear that's the best I can do.

10           Q     I'll staple those five pages together since  
11 they go together and have them marked for identification  
12 purposes as Exhibit 3-U and hand that to you.

13                             (Deposition Exhibit No. 3-U marked.)

14 BY MR. KIZZIA:

15           Q     Can you identify Exhibit 3-U for us.

16           A     This appears to be a copy of the text of the  
17 remarks, or the prepared remarks of Dr. Lundberg for the  
18 May 19th press conference.

19           Q     Did Dr. Lundberg deliver the remarks, the text  
20 which is marked as Exhibit 3-U?

21           A     I -- you know, I did not tape his remarks. You  
22 know, I presume he had prepared them for the purposes  
23 of -- he did say something at the press conference. Now,  
24 I don't know whether that's line -- word for word what he  
25 said, I don't know.

1 Q But you were there and you did hear Dr.  
2 Lundberg?

3 A I was there and I heard his remarks. I did not  
4 commit them to memory.

5 Q Did you have any input in the preparation of  
6 the remarks that Dr. Lundberg gave at the press conference  
7 on May 19th, 1992?

8 A I did not other than write the articles.

9 Q Do you know who prepared the remarks that Dr.  
10 Lundberg gave at the press conference?

11 A I think you should direct that question to Dr.  
12 Lundberg.

13 Q And I will, but do you know?

14 A I do not.

15 Q The next document I'll mark for identification  
16 purpose as Exhibit 3-V.

17 (Deposition Exhibit No. 3-V marked.)

18 BY MR. KIZZIA:

19 Q Can you identify Exhibit 3-V.

20 A Your question is?

21 Q Can you identify Exhibit 3-V.

22 A This appears to be a -- appears to be a draft  
23 of a release to the news media written by the AMA PR  
24 Department.

25 MR. WATLER: Brad, may I ask that you send



1 the exhibits down here when you get through examining the  
2 witness about them.

3 MR.KIZZIA: Do you want these exhibits?

4 MR. WATLER: I'm interested in the last  
5 couple ones of that you've marked. And just for the time  
6 being, send them down the table if you don't mind.

7 MR. KIZZIA: I don't mind passing them  
8 down, but I am not through with them. We're going through  
9 and identifying them right now.

10 THE WITNESS: This appears to be a draft  
11 of a press release for the media written by the AMA PR  
12 Department.

13 BY MR. KIZZIA:

14 Q Did you see this document before it was  
15 released?

16 A I did not.

17 Q The title of the document that's marked as  
18 Exhibit 3-V is, Script For Monday JFK Autopsy Press  
19 Conference Calls To Major Media.

20 A Right. I did not see that.

21 MR. MCGRAW: I would like to lodge an  
22 objection on the grounds that there has been no testimony  
23 other than of counsel that it was actually released.  
24 Basically, the question assumes facts not in evidence.

25 MR. BABCOCK: Same objection.

1 BY MR. KIZZIA:

2 Q Was the document that's marked as Exhibit 3-V  
3 released to the media?

4 A I have no knowledge of what that is exactly. I  
5 mean it appears to be some type of a reminder to the  
6 various public information officers who apparently --

7 MR. BABCOCK: Don't talk about apparently.

8 THE WITNESS: I don't know what it is. I  
9 have not seen that of course. It's the first time I've  
10 seen that. I had no involvement with how the PR people  
11 did their business and conducted their press conferences.  
12 It was part of the press conference business.

13 BY MR. KIZZIA:

14 Q All right. Going on to the next document  
15 that's part of Exhibit 3, it looks like the next three  
16 pages go together. I'll hand them to you and see if you  
17 agree.

18 A This, again, is just like the previous thing.  
19 This is part of the PR Department getting together the  
20 press conference.

21 Q Do you think that the next three pages go  
22 together, or do you think that exhibit --

23 A I think that is a separate media advisory and  
24 the media and this is just kind of a, you know, nuts and  
25 bolts, figure out what they're going to do. A list of

1 what they're going to attempt to do.

2 (Deposition Exhibit No. 3-W marked.)

3 BY MR. KIZZIA:

4 Q Let me show you what I have marked for  
5 identification purposes as Exhibit 3-W which is a document  
6 that's entitled, Media Advisory. Can you tell me what  
7 that is?

8 MR. MCGRAW: I'm going to object to the  
9 questions further about this document on the grounds that  
10 there's been no foundation laid that the witness knows  
11 what it is or has seen it before. In fact I think the  
12 testimony is to the contrary.

13 MR. BABCOCK: Same objection.

14 THE WITNESS: I have not seen it before.  
15 This is part of the business of producing a press  
16 conference, and, you know, what it is, is what it says,  
17 apparently. This apparently is either a draft or the  
18 version of a media advisory.

19 BY MR. KIZZIA:

20 Q So you were not involved in the preparation of  
21 that?

22 A I was not.

23 Q Okay. Now, the next two pages that are part of  
24 the Exhibit 3 appear to go together.

25 A This is just -- as it says, is this is just the

1 laundry list of what the PR people are going to attempt to  
2 do from May 11 to 15 to produce this press conference.

3 Q Does it appear to you that these two pages go  
4 together?

5 A It does, yes.

6 Q I'll have those two pages stapled together,  
7 then, and marked as Exhibit 3-X.

8 (Deposition Exhibit No. 3-X marked.)

9 BY MR. KIZZIA:

10 Q Can you identify Exhibit 3-X?

11 MR. BABCOCK: I'll renew that objection  
12 about the foundation.

13 THE WITNESS: Yeah. That's just what we  
14 just said. It's what you just showed me. Didn't we just  
15 discuss this?

16 BY MR. KIZZIA:

17 Q This is what?

18 A I just said, this is the laundry list from May  
19 11 to 15 of the steps the PR people went through to  
20 produce a press conference.

21 Q And you were not involved in the preparation of  
22 that?

23 A Of the steps or the release?

24 Q Of the release.

25 A No, I was not in on the news release.

1 Q And what steps are you referring to?

2 A Well, some of the steps like meet with Lundberg  
3 and Breo, you know I was involved in that. You know, but  
4 I had nothing to do with planning, producing the press  
5 conference, deciding who did what, you know.

6 Q Exhibit 3-X indicates that there was a meeting  
7 planned between you and Dr. Lundberg regarding sample  
8 questions that might be asked at the press conference; is  
9 that right?

10 A That meeting was never held. I mean that was  
11 there --

12 MR. BABCOCK: He just asked you if that's  
13 what it indicates.

14 THE WITNESS: That indicates their  
15 intention to do that.

16 BY MR. KIZZIA:

17 Q And that never took place?

18 A To my recollection that never did.

19 Q There's also an indication of a briefing  
20 schedule on May 18th, involving you and Dr. Breo and Tom,  
21 Jeff, Paul, and Mark --

22 A Right.

23 Q Do you see that?

24 A Right.

25 Q Did that take place?

1 MR. BABCOCK: When did you get your  
2 medical degree? He said Dr. Breo.

3 THE WITNESS: That meeting to my  
4 recollection did take place.

5 BY MR. KIZZIA:

6 Q On May 18th there was a meeting between you and  
7 Dr. Lundberg, and Tom, Jeff, Paul, and Mark?

8 A Well, some version of it it's the PR staff it  
9 sounds like.

10 Q Who is Tom?

11 A Tom is -- Tom Toftey who is the director of  
12 communications, I believe had a broken leg at this  
13 particular moment.

14 MR. BABCOCK: He just want to know who Tom  
15 is. He does not need know about his medical problems.

16 BY MR. KIZZIA:

17 Q Who is Jeff?

18 A Jeff is the aforementioned Jeff Molter whose  
19 name appeared on the top the press release.

20 Q Who is Paul?

21 A Paul is the aforementioned Paul Tarini whose  
22 name appeared on the top of the press release.

23 Q And who is Mark?

24 A Mark is Mark Stewart who is our PR man in New  
25 York City.

1 Q Why was the press conference held in New York  
2 City as opposed to Chicago?

3 A I don't have a clue. That's a decision of the  
4 PR people who get paid to make these decisions. It could  
5 have been in Dallas.

6 Q So you and Dr. Lundberg flew from Chicago to  
7 New York City for the press conference?

8 A We did.

9 Q Did you go to New York City in advance to the  
10 press conference?

11 A In advance, the day before.

12 Q So this briefing that was held that's referred  
13 to on Exhibit 3-X, on May 18th, occurred in New York City?

14 A It did.

15 (Deposition Exhibit No. 3-Y marked.)

16 BY MR. KIZZIA:

17 Q The next document among the documents that are  
18 part of Exhibit 3 I've had marked for identification  
19 purposes as Exhibit 3-Y. Can you identify that.

20 A This appears to be a memo to Dr. James Todd,  
21 who is the AMA Executive Vice President and Chief  
22 Executive Officer, from Mr. James Stacey, who is the PR  
23 Director of the Washington office of AMA, in regard to a  
24 draft of a letter to Senator Edward Kennedy, dated May 15,  
25 1992.

1 Q Do you know anything about that?

2 A I vaguely was informed that there was some  
3 sensitivity that the Kennedy family should be informed in  
4 advance of the press conference. And I believe this memo  
5 was to accomplish that.

6 Q Who was L. Stillwell?

7 A L. Stillwell is Lee Stillwell, who is the  
8 director of the AMA Washington office and who is the boss  
9 of Mr. Stacey.

10 Q All right. Let me show you the next few things  
11 from Exhibit -- sorry. Are we through with this one?  
12 Now, let me show you next exhibits of Exhibit 3. Do they  
13 look like they go together?

14 A They do.

15 Q Staple them together. Placing them for  
16 identification purposes as Exhibit 3-Z.

17 (Deposition Exhibit No. 3-Z marked.)

18 BY MR. KIZZIA:

19 Q Can you tell me what Exhibit 3-Z is.

20 A 3-Z appears to be a compilation of broadcast  
21 on both radio and TV coverage and of the radio press  
22 conferences as compiled by someone. Who, I don't know. I  
23 don't know if it was Barry Cohn, who is the AMA's  
24 radio/television person. That's what it is. It is a  
25 listing of newscast coverage of the press conference of



1 various broadcast markets in the United States.

2 MR. MCGRAW: I want to lodge an objection  
3 in connection with this document and the several  
4 subsequent documents. The witness' testimony has been  
5 that these documents -- and I quote, appear to be. I  
6 don't think the foundation has been laid for this witness  
7 to testify any further regarding these documents because  
8 it hasn't been established that he knows what these things  
9 are or that he's seen them before.

10 On that basis, I'm going to object to any  
11 further questions on this on lack of foundation and lodge  
12 objections to prior documents for the same reason.

13 MR. BABCOCK: It's a proper objection. I  
14 join in that objection.

15 BY MR. KIZZIA:

16 Q Mr. Breo, Exhibit 3-Z refers to a number of TV  
17 and radio stations around the country. Was it your  
18 understanding that these radio and TV stations were going  
19 to cover the press conference as it happened, or were they  
20 to report about the press conference later in their news  
21 broadcast, or do you know?

22 MR. BABCOCK: Object to the form of the  
23 question.

24 THE WITNESS: I had no understanding. I  
25 mean, my role was to write the articles, and that's it.

1 You know, AMA is a large organization. That's up to the  
2 organization, doing what they did.

3 (Deposition Exhibit No. 3-AA marked.)

4 BY MR. KIZZIA:

5 Q Let me show you the next two pages from Exhibit  
6 3 and ask you if it looks to you like they go together.

7 MR. MCGRAW: Objection. Lacks foundation.

8 MR. BABCOCK: Join in the objection.

9 THE WITNESS: They appear to go together.

10 I fact, we've covered them before. It is the previous  
11 laundry list from May 11 to 15 of the steps that the New  
12 York people hope to accomplish to produce a press  
13 conference.

14 BY MR. KIZZIA:

15 Q I've had it marked as Exhibit 3-AA. Do you see  
16 that?

17 A Yes.

18 Q Whose handwriting appears to 3-AA?

19 A I can't tell. It appears to my eyes to be Dr.  
20 Lundberg's.

21 MR. BABCOCK: Let the record reflect that  
22 Brad is 0 and 2 in trying it staple these.

23 MR. WATLER: If he goes 0 for 3, is the  
24 deposition over?

25 MR. BABCOCK: That's it. If he goofs this

1 one up, that's it.

2 BY MR. KIZZIA:

3 Q I show you what I just marked as Exhibit No.  
4 3-AA.

5 MR. BABCOCK: Did you get it in there that  
6 time?

7 THE WITNESS: Is there a question on this?

8 BY MR. KIZZIA:

9 Q No. As you've said, we've already covered  
10 that. The only difference is that Exhibit 3-AA includes  
11 what appears to be Dr. Lundberg's handwriting.

12 A Right.

13 MR. BABCOCK: It has three staples, two of  
14 which look like Mickey Mouse ears.

15 (Deposition Exhibit No. 3-BB marked.)

16 BY MR. KIZZIA:

17 Q Let me show you what I've marked for  
18 identification purposes as Exhibit 3-BB. Does that appear  
19 to be a copy of a media advisory that we previously talked  
20 about?

21 A A media advisory. It is indeed.

22 Q Except on this particular exhibit, there is  
23 some handwriting in the top right-hand corner.

24 A There is.

25 Q Do you know whose handwriting that is?

1           A     I don't.

2                   MR. WATLER: May I just interject? Why  
3 are we going into this level of detail? Is there any  
4 dispute that there was a press conference held in New York  
5 City called by AMA that was attended by members of the  
6 national media? Why do we have to go into this  
7 excruciating inquiry about the details of putting on this  
8 press conference?

9                   MR.KIZZIA: Well, Paul, I thought you said  
10 you were enjoying it earlier.

11                   MR. WATLER: Well, I don't think my client  
12 is going to paying for me sitting here being entertained  
13 by this very fascinating study about how this press  
14 conference is called in New York City by the AMA.

15                   MR.KIZZIA: We're going through and  
16 identifying the documents that have been produced by some  
17 of the defendants.

18                   MR. WATLER: First you issued a very  
19 broad -- you're entitled to a request for production of  
20 documents. Now, you're using that as a springboard to go  
21 into excruciating detail about matters that are not in  
22 dispute and that are at best intentionally related to  
23 anything that is in controversy in this lawsuit. I think  
24 we're wasting a ton of time and money of everyone here in  
25 this room.

1                   Now, I will add that I want you to have as  
2 full of a discovery as you can possibly have. We've been  
3 sitting here for three and a half hours approximately this  
4 morning, and we haven't heard hardly anything that relates  
5 to the lawsuit. I wanted us to try to discover anything  
6 that does relate to the lawsuit, but I don't see that  
7 we're getting to that point.

8                   MR.KIZZIA: Well, we're just going through  
9 and getting the witness to identify documents, and we'll  
10 proceed until we get done.

11                   MR. WATLER: At some point, it becomes  
12 harassing in the discovery reviews. I don't know if we're  
13 at that point yet, but I'm just telling you that I have  
14 those concerns.

15                   MR. MCGRAW: This may be a restatement of  
16 what Paul was saying. But basically, what we've done for  
17 three hours is gone through and asked this witness whether  
18 he can authenticate documents as to what they purport to  
19 be. It seems to me that would be appropriately the  
20 subject of some sort of attempted stipulation so that the  
21 testimony could be elicited regarding the contents of the  
22 documents concerning testimony that might be utilized at  
23 trial.

24                   (Deposition Exhibit No. 3-CC marked.)

25 BY MR. KIZZIA:

1           Q     Mr. Breo, I've handed you what I've had marked  
2           for identification purposes as Exhibit No. 3-CC. Does  
3           that appear to you to be another copy of the news release  
4           as you've already identified that?

5           A     That's identical.

6                     MR. KIZZIA: Did you have a proposal,  
7           Chip, with regard to --

8                     MR. BABCOCK: Motion for lunch.

9                     MR. WATLER: Second.

10                    MR.KIZZIA: We are obviously not opposed  
11           to taking a lunch break, but I do want you to know that  
12           we're willing to go through lunch if you and the witnesses  
13           are willing to do so.

14                    MR. BABCOCK: I don't think it's fair to  
15           the witness to make him testify without getting some  
16           lunch. But we can make it quick.

17                    MR. WATLER: Well, just let me ask you, do  
18           you think you're going to wrap up, say, within another  
19           hour or so?

20                    MR.KIZZIA: No.

21                    MR. WATLER: If that's the case, let's  
22           keep going. But if your going to be here all day, I agree  
23           with Chip. I don't think it's fair to the witness.

24                    MR.KIZZIA: I'm not asking the witness to  
25           sit through lunch. I'm just telling this witness that

1 we're willing to go through lunch if you want to go  
2 through lunch to get the deposition done today.

3 MR. WATLER: I want to make the record  
4 clear of what you expect your intent to be as to the  
5 length of the deposition.

6 MR. BABCOCK: Are you saying, Brad, that  
7 if we worked through lunch we'll get the deposition done  
8 by 5:00 today?

9 MR.KIZZIA: It's doubtful, but I'm willing  
10 to try it if you want to.

11 MR. BABCOCK: Well, I think it's only fair  
12 to the witness to let him take a break.

13 MR.KIZZIA: Well, I certainly agree with  
14 to that.

15 MR. BABCOCK: But I will make it short, 45  
16 minutes. Is that all right?

17 MR.KIZZIA: That's fine with me.

18 MR. BABCOCK: It's 12:20, so we'll be back  
19 at, say, 1:05, something like that.

20 MR.KIZZIA: That's fine.

21 (A lunch break was taken.)

22 MR. KIZZIA:

23 Q Mr. Breo, during our lunch break, were you able  
24 to locate the list of questions that may have been shown  
25 to or otherwise utilized during your interviews of the

1 autopsy doctors?

2 MR. BABCOCK: The correct answer is no.  
3 He didn't look for them, but I've got them. And so it's  
4 clear, these are not the -- this is not the document that  
5 was shown to the autopsy doctors, but we believe these are  
6 the same questions.

7 These represent the same questions that were  
8 shown. And I'm giving that to you under Bates stamp  
9 number AMA 31 through 2.

10 (Deposition Exhibit No. 5 marked.)

11 BY MR. KIZZIA:

12 Q Mr. Breo, let me show you what your counsel has  
13 just handed me, which I have marked for identification  
14 purposes Exhibit 5. Can you identify that document for  
15 me.

16 A I can.

17 Q What is it?

18 A This is a list of the questions that  
19 Dr. Lundberg and I developed prior to the -- as part of  
20 our interviews for the three-part series of the Kennedy  
21 assassination.

22 Q Were these the questions that you utilized in  
23 connection with your interviews with Drs. Humes and  
24 Boswell?

25 A They were.



1 Q Were these questions utilized during your  
2 interview with Dr. Finck?

3 A They were.

4 Q Were these questions that are on Exhibit 5 used  
5 in connection with your interviews with any other persons?

6 A No.

7 Q Were the questions that are shown in Exhibit  
8 No. 5 provided to any of those three doctors in advance of  
9 the interviews?

10 A I believe they were provided to Dr. Finck,  
11 along with the letter I wrote to him, because they were  
12 provided --

13 MR. BABCOCK: Did you provide it to Finck,  
14 or did you not?

15 THE WITNESS: Yes, I did.

16 BY MR. KIZZIA:

17 Q How did you provide them to Dr. Finck?

18 A In the form of a -- I mailed them to him as  
19 part of a letter saying this is what I want to talk about,  
20 among other things.

21 Q Were your interviews with the three autopsy  
22 doctors basically limited primarily to the areas of  
23 inquiry that are shown on Exhibit No. 5?

24 A Not necessarily.

25 Q Who was involved in the determination of what

1 questions would be included in this list that's marked as  
2 Exhibit 5 and what questions would not be included?

3 A You mean during the interview? Do you mean  
4 developing this list or during the actual interview in  
5 using the questions?

6 Q Well, let's start with developing the list.  
7 Who was involved in developing the list of the questions?

8 A Dr. Lundberg and myself.

9 Q Anybody else?

10 A Not to my knowledge.

11 Q Well, you've already said that Dr. Glass had  
12 given you some suggested questions, right?

13 A Well, these were separate from and additional  
14 to these 25 questions. Now, they may be repeated in  
15 there, but I'm not sure if Glass had seen the 25 before he  
16 came up with these three or whatever.

17 Q Did you get any additional questions from any  
18 other source, other than Dr. Glass and Dr. Lundberg?

19 A No.

20 Q Who typed up the questions that are on the  
21 documents marked Exhibit No. 5?

22 A I believe Dr. Lundberg had it typed up. Who  
23 typed it, I don't know.

24 (Deposition Exhibit No. 3-DD marked.)

25 BY MR. KIZZIA:

1           Q     Okay.  Going back to the documents that make up  
2 Exhibit No. 3.  Exhibit 3-DD appears to be another copy of  
3 the remarks that were prepared for Dr. Lundberg to make at  
4 the press conference on May 19th, 1992 in New York; is  
5 that right?

6           A     Right.

7           Q     Now, there is some handwriting on the first  
8 page.  Do you recognize whose handwriting that is?

9           A     I do not.

10          Q     On the second page of the remarks, it is stated  
11 that you and Dr. Lundberg conducted interviews with  
12 Dr. Humes and Dr. Boswell.  And it also says that you  
13 interviewed Dr. Rose, Dr. Jenkins, Dr. Carrico,  
14 Dr. Baxter, and Dr. Perry.  Do you see that?

15          A     Yes.

16          Q     Is that correct?

17          A     That is correct.

18          Q     Did you interview any other doctors, other than  
19 those listed on the second page?

20          A     I did.  I interviewed Dr. --

21                   MR. BABCOCK:  No, no.  Did you have any  
22 other interviews?

23                   THE WITNESS:  Yes.

24 BY MR. KIZZIA:

25          Q     What other interviews did you have?

1           A     I also interviewed Dr. McClelland, who is a  
2 Dallas --

3                   MR. BABCOCK: No, Dr. McClelland. If he  
4 wants to know what he does, he'll ask you.

5 BY MR. KIZZIA:

6           Q     Who is Dr. McClelland?

7                   MR. BABCOCK: See.

8                   MR. KIZZIA: Let the record reflect that  
9 all the attorneys are laughing, and it appears that some  
10 of the excruciating pain has been relieved by our lunch  
11 break.

12                   MR. WATLER: Not to mention Chip's humor.

13                   THE WITNESS: Dr. McClelland is a Dallas  
14 surgeon who was involved in the emergency care of  
15 President Kennedy.

16 BY MR. KIZZIA:

17           Q     All right. Did you interview anyone else,  
18 other than the doctors shown on the second page of  
19 Exhibit 3-DD and Dr. McClelland?

20           A     That's it.

21           Q     Who made the decision that you would interview  
22 those particular doctors, as opposed to other doctors and  
23 other potential witnesses of -- with information  
24 pertaining to the JFK assassination?

25           A     I, essentially, made the decision based on my

1 reading of the Warren Commission Summary Volume, which  
2 identified these doctors as the primary physicians during  
3 the President's emergency care.

4 And I would say my decision was modified only  
5 slightly in that the interview of Dr. McClelland was  
6 conducted at the advice of the other Dallas doctors who  
7 suggested that since Mr. McClelland had a contrary point  
8 of view in regard to the direction of the bullets, that I  
9 would be -- I should avail myself an opportunity to  
10 interview Dr. McClelland. And I so did.

11 Q What doctor or doctors recommended to you that  
12 you interview Dr. McClelland?

13 A All of the others, Dr. Jenkins, Dr. Carrico,  
14 Dr. Baxter. Well, those three. Not Dr. Perry.

15 Q On the third page of Exhibit 3-DD, there's some  
16 additional handwriting. Do you see that?

17 A Uh-huh.

18 Q You need to answer out verbally.

19 A I do see it.

20 Q Do you know whose handwriting that is?

21 A I do not.

22 Q On the fourth and last page -- or I guess  
23 that's the fifth page -- off Exhibit 3-DD at the top,  
24 there's a statement: The recent Crenshaw book is a sad  
25 fabrication based upon unsubstantiated allegations. Do

1           you see that statement?

2           A     I do.

3           Q     Did Dr. Lundberg make that statement at the  
4           press conference on May 19th, 1992?

5           A     Apparently he did. It's here. It's in these  
6           prepared remarks.

7           Q     Well, you were there at the press conference,  
8           and I want to know --

9           A     I was --

10                   MR. BABCOCK: No, no. He didn't finish  
11           his question. He said you were there at the press  
12           conference.

13                   THE WITNESS: Okay.

14           BY MR. KIZZIA:

15           Q     I want to know if you remember hearing that  
16           statement.

17           A     I do not recall hearing that statement.

18           Q     Do you have any reason to believe that he --  
19           that Dr. Lundberg made that statement or did not make that  
20           statement at the press conference?

21           A     I have no reason other than the fact that it  
22           was in his preconference prepared remarks. I have no  
23           reason to believe he did say it or did not say it.

24           Q     Had he discussed that or anything related to  
25           that with you before the press conference?

1           A     He did not.

2                     MR. BABCOCK:   That meaning those remarks?

3                     MR. KIZZIA:   Yes.

4                     THE WITNESS:   He did not.

5     BY MR. KIZZIA:

6           Q     Did you know he was going to make that  
7     statement before the press conference?

8           A     I don't believe I did.

9           Q     Did you and Dr. Crenshaw -- I'm sorry. Did you  
10    and Dr. Lundberg discuss that or any similar statement  
11    made by Dr. Lundberg after the press conference?

12          A     We did not.

13          Q     Do you know what Dr. Lundberg was referring to  
14    with regard to that statement?

15          A     You'd have to direct that question to  
16    Dr. Lundberg.

17          Q     Well, that's why my question was do you know  
18    what he was referring to.

19          A     I do not.

20          Q     Had you read -- strike that. What was the name  
21    of the book that was referred to?

22          A     Which book?

23          Q     Dr. Crenshaw's book.

24          A     Are you asking me do I recall the title?

25          Q     Yes.

1           A     I believe the title was -- is JFK: Conspiracy  
2           of Silence.

3           Q     Prior to the press conference had you read the  
4           book?

5           A     I had.

6           Q     Had Dr. Lundberg read the book?

7           A     I don't know.

8           Q     Did you and Dr. Lundberg ever discuss the book  
9           prior to the press conference of May 19th, 1992?

10          A     I don't believe we did.

11                   MR. MCGRAW: Just so I'm clear, Mr. Breo,  
12           did you say you had or had not read the book?

13                   THE WITNESS: I did. I did read the book.  
14           I did.

15           BY MR. KIZZIA:

16           Q     Do you know whether any of the other AMA  
17           employees or representatives who were involved in the  
18           press conference had read Dr. Crenshaw's book prior to the  
19           press conference?

20           A     Those involved in the press conference?

21           Q     Yes, sir.

22           A     I don't know. My belief they had not.

23           Q     What do you base that belief on?

24           A     Well, these are public relations people who  
25           were not involved in the preparation or the writing of the



1 article and do not typically immerse themselves in the  
2 content being divulged in a press release or a --

3 MR. BABCOCK: But you don't know.

4 THE WITNESS: I don't know.

5 BY MR. KIZZIA:

6 Q Did you have any discussions with any AMA  
7 representatives or employees that were involved in the  
8 press conference on May 19th 1992 prior to the press  
9 conference that would indicate one way or another whether  
10 or not any of them had read Dr. Crenshaw's book before the  
11 conference?

12 A I had no discussions.

13 Q Let me show you what I've had marked for  
14 identification purposes as Exhibit 3-EE, which appears to  
15 be another copy of the remarks prepared for Dr. Lundberg  
16 except with some significant revisions.

17 A Uh-huh.

18 Q Do you see that?

19 A Uh-huh, uh-huh.

20 MR. BABCOCK: Object to the form of the  
21 question, whether they were significant revisions or not.

22 THE WITNESS: I see a lot of scrawls on  
23 that paper.

24 (Deposition Exhibit No. 3-EE marked.)

25 BY MR. KIZZIA:

No. 1 Q A lot of apparent revisions?

2 A I see a lot of handwriting.

3 Q Do you recognize the handwriting on Exhibit  
4 3-EE?

5 A I really don't.

6 Q You don't recognize any of the handwriting on  
7 any of the pages that are part of --

8 A This is -- these are --

9 MR. BABCOCK: The question is, do you  
10 recognize any of the handwriting on any of the pages.

11 THE WITNESS: No.

12 MR. BABCOCK: Okay. Thank you.

13 BY MR. KIZZIA:

14 Q Do you know whether or not the remarks made by  
15 Dr. Lundberg at the press conference on May 19th, 1992 in  
16 New York City more closely resembled the remarks that are  
17 contained in Exhibit 3-DD or there's what appears to be a  
18 revised edition contained in Exhibit 3-EE?

19 A I have no idea. I was not involved in  
20 preparing Dr. Lundberg's remarks.

21 Q I guess my question was, from your recollection  
22 of what you heard, can you tell whether or not the remarks  
23 of Dr. Lundberg made at the press conference more closely  
24 resembled those contained in Exhibit 3-DD or 3-EE?

25 A Absolutely.

1 (Deposition Exhibit No. 3-FF marked.)

2 BY MR. KIZZIA:

3 Q Let me show you what's marked for  
4 identification purposes Exhibit 3-FF. Do you know what  
5 that is?

6 A I've never seen this before.

7 (Deposition Exhibit No. 3-GG marked.)

8 BY MR. KIZZIA:

9 Q Let me show you what I've had marked for  
10 identification purposes as Exhibit 3-GG. Do you recognize  
11 that document?

12 A I've never seen that before.

13 Q Exhibit 3-GG is mostly in handwriting, entirely  
14 in somebody's handwriting. Do you see that?

15 A Yeah.

16 Q Do you recognize the handwriting?

17 A I don't recognize it.

18 Q Going back to Exhibit 3-FF, it's mostly  
19 typewritten, but it does contain some handwriting. Do you  
20 recognize the handwriting on Exhibit 3-FF?

21 A I do not.

22 Q Was JAMA selling copies of the reprints of your  
23 articles?

24 A Selling?

25 Q Yes.

1           A     JAMA has never sold, to my knowledge. I don't  
2 know what you mean by sell. There might be a reprint fee  
3 or an administrative fee for bulk quantities. To my  
4 knowledge, it was handed out free to any and all who  
5 asked, requested it. If somebody wanted 500 copies, there  
6 might have been a shipping or --

7                   MR. BABCOCK: Do you know any of that? Do  
8 you know any of that?

9                   THE WITNESS: This is based on my general  
10 understanding of the procedure. In this case, I do not  
11 know that any fee -- that any reprints were sold to  
12 anybody.

13                   MR. BABCOCK: There may have been, you  
14 just don't know.

15                   THE WITNESS: I highly doubt it.

16 BY MR. KIZZIA:

17           Q     The articles that you wrote regarding the  
18 JFK --

19                   MR. BABCOCK: He won't even let me  
20 cross-examine him.

21 BY MR. KIZZIA:

22           Q     The articles that you wrote regarding the JFK  
23 assassination that were published in JAMA were included in  
24 the editions of JAMA that were distributed to all the  
25 subscribers; is that right?

1           A     Right.

2           Q     And the subscribers would include all members  
3 of the American Medical Association?

4           A     Yes.

5           Q     Who else?

6           A     Plus certain additional other physicians  
7 who -- which are worked out by demographics for  
8 advertising purposes, and you'd have to consult the  
9 circulation department.

10          Q     Okay. When you referred a minute ago to  
11 reprints, what were you talking about?

12          A     The -- my first two -- in fact, all three JFK  
13 articles were, you know, put in a reprint format, lifted  
14 out of the main journal and just put between separate  
15 covers as a reprint, which happens quite often.

16          Q     And what were done with those articles, I mean,  
17 with those reprint articles that you wrote?

18          A     Well, they were handed out at the May 19th  
19 press conference, and they were made available  
20 subsequently to anyone who requested them free of charge.

21          Q     Do you know how many reprints were made?

22          A     I do not.

23          Q     Do you have any idea what is referred to here  
24 on Exhibit 3-GG where it appears to indicate \$6-reprint,  
25 \$8-issue?

1 A I've never seen that before.

2 Q So you don't know what that refers to?

3 A No.

4 (Deposition Exhibit No. 3-HH marked.)

5 BY MR. KIZZIA:

6 Q Let me show you what I've had marked for  
7 identification purposes as Exhibit 3-HH. Can you identify  
8 that document.

9 A I never -- this apparently is what you just  
10 showed me earlier with some handwriting on it, right?

11 Q You're referring to Exhibit 3-FF?

12 A Yeah.

13 Q It has some different handwriting on it,  
14 doesn't it?

15 A It has more handwriting.

16 Q Do you recognize the handwriting on Exhibit  
17 3-HH?

18 A I don't.

19 Q Do you see that there are some references on  
20 Exhibit 3-HH to Dennis --

21 A I see the word Dennis.

22 Q -- in at least three places? Do you see that?

23 A I see Dennis down here. You know, where's the  
24 third one? Okay. Do you --

25 Q Do you see that?

1 A Yeah.

2 Q Do you know what any of those notes refer to?

3 A I don't know what these, you know, what's --  
4 no, I don't see any specific meaning of the three times my  
5 name appears.

6 Q Was there any plan or strategy that specific  
7 questions would be -- if they were presented to  
8 Dr. Lundberg, that he might refer them to you, for  
9 instance, at the press conference?

10 A If there were any plan of that sort, I was not  
11 privy to it.

12 (Deposition Exhibit No. 3-II marked.)

13 BY MR. KIZZIA:

14 Q Let me show you what I've had marked for  
15 Exhibit 3-II. It's a copy of a letter dated May 14th,  
16 1992 from Dr. Lundberg to Jacqueline Onassis; is that  
17 correct?

18 A That's what it says. I've never seen that  
19 letter.

20 (Deposition Exhibit No. 3-JJ marked.)

21 BY MR. KIZZIA:

22 Q Okay. Let me show you what I've marked for  
23 exhibit as 3-JJ.

24 A Right.

25 Q Which purports to be a copy of the letter dated

1 May 14th, 1992 from Dr. Lundberg to Senator Kennedy. Do  
2 you see that?

3 A Yeah.

4 Q Have you seen this letter before?

5 A No.

6 (Deposition Exhibit No. 3-KK marked.)

7 BY MR. KIZZIA:

8 Q Let me show you what I've had marked for  
9 identification purposes as 3-KK, which purports to be a  
10 letter dated February 25th, 1992 from Dr. Lundberg to  
11 Pierre Finck. Do you see that?

12 A I believe you showed that to me before. This  
13 is the letter to Finck from Lundberg in February.

14 Q It shows that you received a copy?

15 A Right.

16 (Deposition Exhibit No. 3-LL marked.)

17 BY MR. KIZZIA:

18 Q Let me show you what's been marked as Exhibit  
19 3-LL. It's a letter from Dr. Lundberg dated March 27th,  
20 1992 to Dr. Finck. It shows that you got a copy?

21 A You also showed that to me before.

22 Q Do you --

23 A Yeah.

24 (Deposition Exhibit No. 3-MM marked.)

25 BY MR. KIZZIA:



1 Q Okay. Exhibit 3-MM appears to be a copy of a  
2 document previously identified. It's dated March 29th, a  
3 handwritten note from Dr. Lundberg to you.

4 MR. BABCOCK: Object to the form. I think  
5 the testimony was March 24th or March 29th. The  
6 handwriting was not clear.

7 THE WITNESS: We've been over this before.

8 BY MR. KIZZIA:

9 Q So this is a copy of a memo from Dr. Lundberg  
10 to you?

11 A Right.

12 (Deposition Exhibit Nos. 3-NN through 3-SS  
13 marked.)

14 BY MR. KIZZIA:

15 Q Let me show you Exhibit 3-NN, a copy of a  
16 letter from Dr. Lundberg to Dr. Finck dated March 27th,  
17 1992 with a copy to you.

18 A Yeah. We've been over that before.

19 Q Let me show you Exhibit 3-00. It's a copy of a  
20 letter dated February 25th, 1992 to Dr. Finck from  
21 Dr. Lundberg with a copy to you.

22 A This is the third time for this one. Right.

23 Q These were documents that were produced to me  
24 by counsel so we're just going through them.

25 A This is the third time you've showed me that

1 one. That's the February 25 letter from Lundberg to  
2 Finck.

3 Q Okay. Then Exhibit 3-PP appears to be another  
4 copy of Dr. Lundberg's handwritten letter to --

5 A Right.

6 Q -- Dr. Humes dated January 29th, 1992; is that  
7 right?

8 A I'll go with that.

9 Q Well, is that right?

10 A That's right.

11 Q And then Exhibit 3-QQ is another copy of the  
12 December 26th, 1991 handwritten letter from Dr. Lundberg  
13 to Dr. Humes?

14 A Uh-huh.

15 Q You need to answer out verbally.

16 A I -- what was your question?

17 Q Is this another copy of Dr. Lundberg's letter?

18 A It is. It is another copy.

19 Q Exhibit 3-RR is another copy of that  
20 January 26th, 1968 letter from Dr. Boswell to Ramsey  
21 Clark?

22 A It is.

23 Q Okay. Exhibit 3-SS, can you identify it?

24 A This is a letter to myself from Dr. Earl Rose.

25 MR. BABCOCK: Not to yourself. Oh, yeah,

1 Q Did you have the understanding as to what he  
2 meant by that based upon your interview with them?

3 A I certainly did. I understood that to mean  
4 that there was no conspiracy involved in the assassination  
5 of President John F. Kennedy. It was explainable by the  
6 normal mix of distrust, inexperience, ineptitude,  
7 coincidence, and so on that characterizes most human  
8 events. That's what I took that to mean.

9 Q He says in his letter that you had an interview  
10 with him on April 29th.

11 A That's what he says.

12 Q Is that right?

13 A I can't verify it one way or the other. If  
14 it's Earl Rose, I know it wasn't April and it was late  
15 April.

16 Q Of what year?

17 A Of 1992.

18 Q Well, his letter is dated April 24th, 1992.

19 A Well, then, maybe it's a typo.

20 Q Which is a typo, the date of the letter or the  
21 date --

22 A The date of the letter because clearly he wrote  
23 the letter after the interview, and there was only one  
24 interview on one day. So that is another coincidental  
25 error. An inept error, which would be attributed to his

1 either typo or mistake. And the answer is in the very  
2 reason he wrote.

3 Q The letter says that he's thanking you for a  
4 copy of your book. Did you provide him with a copy of a  
5 book?

6 A I did.

7 Q What book is that?

8 A The book is called Extraordinary Care.

9 Q Is that a book you wrote?

10 A That is a book I wrote.

11 Q What's the book about?

12 A The book is an anthology of 10 years of my  
13 reporting for the AMA with prominent physicians who were  
14 involved in prominent medical pieces and/or famous  
15 physicians.

16 Q Is the book about the JFK assassination at all?

17 A It has nothing to do with the JFK  
18 assassination.

19 Q When did you write the book?

20 A I wrote the book in 1986.

21 Q Is it still in print?

22 A I'm pleased to say it is.

23 Q Who's the publisher?

24 A The paperback edition was Ivy Books, which is a  
25 Random House imprint.

1 (Deposition Exhibit Nos. 3-TT through  
2 3-HHH marked.)

3 BY MR. KIZZIA:

4 Q Let me show you what I've had marked for  
5 identification purposes as 3-TT, 3-UU, 3-VV, 3-WW, 3-XX,  
6 3-YY, 3-ZZ, 3-AAA, 3-BBB, 3-CCC, 3-DDD, 3-EEE, 3-FFF,  
7 3-GGG, 3-HHH and ask you if these are copies of newspaper  
8 articles and editorials that followed your May 19th, 1992  
9 press conference.

10 A Most of them appear to be. I'm not sure if  
11 they all are. There are an awful lot of clips here.

12 Q I'm sorry?

13 A There are an awful lot of clips here, but they  
14 all seem to be after the press conference.

15 Q Now, these exhibits, 3-TT through 3-HHH, were  
16 all among the records and documents that were produced to  
17 me by your counsel in this case.

18 My question to you is, are these articles and  
19 editorials that you have read?

20 A I think I'm familiar with most of them. Some  
21 I've read; some I've skimmed, you know. This essentially  
22 is the media reaction to the press conference as compiled  
23 by, I believe, the AMA Public Relations Department. You  
24 know, most of them are --

25 MR. BABCOCK: The question is, did you

1 read them.

2 THE WITNESS: Some.

3 BY MR. KIZZIA:

4 Q Did you collect them yourself, or did someone  
5 else collect them?

6 A I did not collect them.

7 Q Who collected them?

8 A I just said the AMA PR Department.

9 Q Did they provide copies to you?

10 A And others, yes.

11 Q What was the purpose of collecting all of these  
12 articles?

13 A The AMA PR Department does a daily news clip  
14 sheet on medical events, you know, ranging from health  
15 care reform to whatnot. It's regularly distributed to the  
16 key AMA people.

17 (Deposition Exhibit No. 3-III marked.)

18 BY MR. KIZZIA:

19 Q Let me show you what I've had marked for  
20 identification purposes as 3-III, which purports to be a  
21 copy of an article that appeared in the New York Times on  
22 May 26th, 1992. Do you see that?

23 A I do.

24 Q It's an article written by Lawrence Altman,  
25 M.D.?

1 A Right.

2 Q Do you remember this article?

3 A I do.

4 Q Did you read it?

5 A I did.

6 Q Did you read it on or shortly after May 26th,  
7 1992?

8 A Yes.

9 Q Down at the bottom right-hand corner it shows  
10 that -- there's a name of a company placed upon it. It  
11 says Burrelle's NewsExpress.

12 A Uh-huh.

13 Q You need to answer out verbally.

14 A Do I see it? Yes.

15 Q Are you familiar with that company?

16 A Vaguely.

17 Q What kind of services do they provide?

18 A News clipping service.

19 Q Is this a copy of an article that you  
20 personally made or that somebody else made and sent to  
21 you?

22 A It was made by the same people who provided the  
23 clip sheet of the earlier articles.

24 Q And what does -- what is Burrelle's role in  
25 collecting those articles?

1           A     I think Burrelle's is a vendor who scans  
2 various newspapers looking for, in this case, medical  
3 articles that might be of interest to AMA. And they do it  
4 for the AMA PR Department. It selects the ones they find  
5 value on and they put them in a daily clip sheet.

6           Q     Do you see in the first paragraph of the  
7 article marked as Exhibit 3-III where Dr. Altman said that  
8 in recent weeks the conspiracy theories about the  
9 assassination of John Kennedy have been fueled by an  
10 unusual news source, an eyewitness account by a surgeon on  
11 the trauma team that tried to save the President's life in  
12 1963 and who had not testified before the Warren  
13 Commission. Do you see that?

14          A     I see that paragraph.

15          Q     And that was a reference to Dr. Charles  
16 Crenshaw?

17          A     That particular paragraph does not identify  
18 Dr. Crenshaw.

19          Q     Well, the next sentence does, doesn't it?

20          A     It does.

21          Q     So that reference to an eyewitness account by a  
22 surgeon on the trauma team that tried to save the  
23 President's life in 1963 and who had not testified before  
24 the Warren Commission was a reference to Dr. Crenshaw?

25                   MR. BABCOCK: I object to the form of the



1 question. That calls for speculation.

2 BY MR. KIZZIA:

3 Q Was that your understanding when you read the  
4 article?

5 A Would you repeat the question.

6 Q Was it your understanding when you read the  
7 article that's marked as Exhibit 3-III that the reference  
8 to an eyewitness account by a surgeon on the trauma team  
9 that tried to save the President's life in 1963, and who  
10 had not testified before the Warren Commission, was a  
11 reference to Dr. Crenshaw?

12 A It was my understanding that the writer of the  
13 article, Larry Altman, made that connection.

14 Q Made that reference in his article?

15 A Made that reference in his article.

16 Q Do you know Dr. Altman?

17 A I do.

18 Q How do you know Dr. Altman?

19 A I once did a profile of Dr. Altman.

20 Q You wrote something about him?

21 A I wrote a profile of Dr. Altman, yes.

22 Q For who?

23 A For the American Medical News.

24 Q Was it published?

25 A Yes, sir.

1 Q I'm sorry?

2 A I write for publication. Yes, it was  
3 published.

4 Q When was it published?

5 A I can't recall specifically. I think it was  
6 late 1979, I believe.

7 Q What led to you doing an article about  
8 Dr. Altman?

9 A Dr. Altman is an unusual physician. He's a  
10 journalist, and he writes for the New York Times.

11 Q Is that what your article was about?

12 A It was actually on two people. The other was  
13 Dr. Susan Okie who is also an M.D. who is a medical  
14 reporter for the Washington Post.

15 So the article is a combination profile of  
16 Drs. Altman and Okie, who are both M.D.s and who have  
17 chosen to use their M.D. to pursue careers in journalism  
18 in the New York Times and the Washington Post. That was  
19 the essence of the profile.

20 Then it got into why they chose this career,  
21 and what they make of it, and what they try to accomplish,  
22 and some of their most important stories, and how they go  
23 about doing their stories, etcetera, etcetera.

24 Q Did you talk to Dr. Altman before he wrote the  
25 article that's marked as Exhibit 3-III?

1 MR. BABCOCK: Object to the form of the  
2 question. Calls for speculation.

3 THE WITNESS: The question, again, is  
4 what?

5 BY MR. KIZZIA:

6 Q All right. Let me rephrase it. The article  
7 that's marked as 3-III appears to have been published in  
8 the New York Times on May 26th, 1992.

9 A Uh-huh.

10 Q You need to answer out verbally.

11 A It does. It has the date May 26th.

12 Q All right. Did you speak with Dr. Altman about  
13 this article before May 26th, 1992?

14 A I never spoke with Dr. Altman for the purposes  
15 of this article.

16 Q Were you surprised to read the article when you  
17 read it?

18 A Surprised?

19 Q Yes.

20 A Not particularly.

21 Q Do you see down at the bottom of the first  
22 column of the article where Dr. Altman has stated that it  
23 turns out that the Journal's research was less than  
24 thorough?

25 A I see that sentence.

1 Q And did you see that when you read it on or  
2 about May 26th, 1992?

3 A I did.

4 Q Do you see also where Dr. Altman said that the  
5 Journal did not try to interview Dr. Crenshaw?

6 A I do see that sentence.

7 Q And did you see it back around May 26th, 1992?

8 A I saw it whenever I read it.

9 Q And that's a true statement, isn't it?

10 A What's a true statement?

11 Q Neither you or any other representative of JAMA  
12 tried to interview Dr. Crenshaw before publication of your  
13 articles?

14 A We did not interview Dr. Crenshaw.

15 Q So that statement in Dr. Altman's article is a  
16 correct statement?

17 MR. BABCOCK: Well, what you're pointing  
18 at says: The merit aside, it turns out the Journal's  
19 research was less than thorough.

20 THE WITNESS: And we did -- I do not agree  
21 that that is a correct statement. In fact, I emphatically  
22 disagree with that statement.

23 BY MR. KIZZIA:

24 Q Okay. The next statement is, it did not try to  
25 interview Dr. Crenshaw.

1           A     Which does not necessarily go with the first  
2 statement, but we -- I did not attempt to interview  
3 Dr. Crenshaw.

4           Q     So the second statement of that paragraph by  
5 Dr. Altman, then, is, in fact, true?

6           A     That second statement is correct.

7           Q     Dr. Altman goes on to say that notwithstanding  
8 some statements contained in your article, at least two of  
9 the Dallas doctors told the Warren Commission that  
10 Dr. Crenshaw was a member of the team that treated  
11 President Kennedy at Parkland Hospital November 22nd,  
12 1963.

13          A     That's what Dr. Altman says.

14          Q     And did you read that on May 26th, 1992?

15          A     Whenever I read this article, I read that.

16          Q     Did you contact Dr. Altman after you read his  
17 article on or about May 26th, 1992?

18          A     I did not.

19          Q     Did you do any further investigation to see  
20 whether or not Dr. Altman was correct in his statements?

21                   MR. BABCOCK: Object to the form of the  
22 question. That assumes he did anyway.

23 BY MR. KIZZIA:

24          Q     Did you do any investigation to determine  
25 whether or not Dr. Altman's statements, in his article

1 that you read on or about May 26th, 1992, were correct?

2 A Yes.

3 MR. BABCOCK: Are you talking about all of  
4 his statements?

5 MR. KIZZIA: No. I'm talking about the  
6 statements about the fact that some of the Dallas doctors  
7 that you interviewed had testified to the Warren  
8 Commission that Dr. Crenshaw was present and part of the  
9 team that treated Dr. -- President Kennedy on  
10 November 22nd, 1963.

11 MR. BABCOCK: It's not what the article  
12 says. Object to form. Go ahead.

13 THE WITNESS: I did not do any research in  
14 regard to whether two doctors had told the Warren  
15 Commission that he was a member of the team.

16 BY MR. KIZZIA:

17 Q Did you care one way or another what those  
18 doctors told the Warren Commission under oath in their  
19 testimonies about Dr. Crenshaw's presence?

20 MR. BABCOCK: Object to the form of the  
21 question. It assumes that they told anything under oath.

22 BY MR. KIZZIA:

23 Q Can you answer my question?

24 A I care with what the doctors told me in the  
25 exclusive interviews published in May 1992.

1 MR. KIZZIA: Objection, nonresponsive.

2 BY MR. KIZZIA:

3 Q Did you care what the doctors told the Warren  
4 Commission under oath about Dr. Crenshaw's presence?

5 MR. BABCOCK: Object to the form of the  
6 question.

7 THE WITNESS: And the question is what?

8 MR. KIZZIA: Can you repeat the question.

9 (Requested material read.)

10 MR. BABCOCK: And you got my objection to  
11 the form of the question, that it assumes facts not in  
12 evidence that any particular doctors told the Warren  
13 Commission anything about Dr. Crenshaw.

14 THE WITNESS: I cared about what the  
15 doctors I interviewed for the JAMA report made of their  
16 eyewitness testimony in 1963 and in 1992 when I  
17 interviewed him.

18 And to the degree their testimony before the  
19 Warren Commission report was involved in that, of course,  
20 I cared about it.

21 BY MR. KIZZIA:

22 Q Did you care whether or not you had made any  
23 mistakes, if you did, in statements made in your article  
24 about Dr. Crenshaw?

25 MR. BABCOCK: Object to the form of the

1 question.

2 THE WITNESS: Absolutely. Every effort  
3 was made to produce the most accurate possible article.

4 BY MR. KIZZIA:

5 Q Was that important?

6 A It was of paramount importance.

7 Q Is it important to you -- or do you feel like  
8 it's important that a journalist make every effort  
9 possible to make sure that his article is accurate?

10 A It is a cardinal value that the journalist get  
11 it right to the best of his ability and so inform the  
12 reader.

13 Q But after having read Dr. Altman's article, do  
14 I understand your testimony correctly that you didn't do  
15 anything?

16 MR. MCGRAW: I'm going to object to that  
17 question, first of all, on the ground that it's vague and  
18 ambiguous. And also it assumes facts not in evidence, and  
19 that is that there were mistakes in Mr. Breo's article.

20 MR. BABCOCK: Same objection.

21 THE WITNESS: I'm here to discuss my  
22 article and not Larry Altman's article. And in regard to  
23 my articles, all three of them, every effort was made, as  
24 I make with every article, to make it as accurate as  
25 possible.



1 MR. KIZZIA: Objection, nonresponsive.

2 BY MR. KIZZIA:

3 Q My question, Mr. Breo, is, isn't it true that  
4 after you read Mr. Altman's article on or about May 26th,  
5 1992, you did not do anything to address some of the  
6 points he made in his article about possible errors or  
7 omissions in your articles, at least with regard to the  
8 statements made therein about Dr. Crenshaw?

9 MR. BABCOCK: Object to the form of the  
10 question to the extent that is it mischaracterizes the  
11 Altman article. You can go ahead and answer it.

12 THE WITNESS: That is not correct at all.  
13 It's absolutely the reverse. I mean, I have made every  
14 effort to be correct and was correct in my article.

15 Larry Altman, whose opinion you have now thrown  
16 at me three separate times, apparently did not make any  
17 effort himself to go back to these doctors, as I did, to  
18 see what they now say in 1992.

19 BY MR. KIZZIA:

20 Q Are you saying that after you read Mr. Altman's  
21 article on or about May 26th, 1992, you went and talked to  
22 the doctors again?

23 A There was no reason to talk to them again. I  
24 got --

25 MR. BABCOCK: Just tell them whether you

1 did or not.

2 THE WITNESS: I did not. I did not.

3 MR. BABCOCK: That's all you have to tell  
4 him.

5 BY MR. KIZZIA:

6 Q Did you do anything after reading Dr. Altman's  
7 article on or about May 26th, 1992 to address some of what  
8 he alleged to be errors or omissions in your articles?

9 A On the contrary. There --

10 MR. BABCOCK: Object to the form of the  
11 question. Did you do anything or not?

12 THE WITNESS: There was no need to do  
13 anything.

14 MR. BABCOCK: So you didn't?

15 THE WITNESS: Right.

16 MR. BABCOCK: Okay.

17 BY MR. KIZZIA:

18 Q Did you interview or talk with Dr. Phillip  
19 Williams?

20 A I did not.

21 Q Do you know who Dr. Phillip Williams is?

22 A I do not know Dr. Phillip Williams.

23 Q Well, in Mr. Altman's article that's marked as  
24 Exhibit 3-III he refers to Dr. Phillip Williams, doesn't  
25 he?

1           A     I can't answer for Larry Altman. I mean, this  
2     is an article written by Dr. Larry Altman. I did not  
3     write the article. I did not discuss the article with  
4     Larry Altman. I have no idea if he -- if what he -- and  
5     nor do you, if what he's saying is correct or incorrect.

6           MR. BABCOCK: Well, he's getting to  
7     something. Is Williams mentioned in this article?

8           THE WITNESS: In whose article?

9           MR. BABCOCK: This Altman article. We can  
10    stipulate that --

11          THE WITNESS: The document speaks for  
12    itself.

13          MR. BABCOCK: Is Williams in there?

14          THE WITNESS: Williams is mentioned in  
15    that article.

16          MR. KIZZIA: Well, I'm going to object to  
17    your answer as being nonresponsive.

18    BY MR. KIZZIA:

19           Q     Let me ask the question a different way. When  
20    you read Mr. Altman's article on or about May 26th, 1992,  
21    did you see where he referred to Dr. Phillip Williams?

22           A     I did.

23           Q     And at that time, did you know who Dr. Williams  
24    was?

25           A     I did not.

1           Q     Do you see where he said that Dr. Williams  
2 verified that a phone call was received at Parkland  
3 Emergency Room on November 24th, 1963 when Lee Harvey  
4 Oswald was there from someone claiming to be President  
5 Johnson?

6                   MR. BABCOCK: Object to the form of the  
7 question. That's not what the article says.

8                   THE WITNESS: I see where Larry Altman  
9 says that Dr. Williams says that there was call from the  
10 White House.

11 BY MR. KIZZIA:

12           Q     Okay. Did you read that on or about May 26th,  
13 1992?

14           A     I did.

15           Q     And did you do anything to try to verify that  
16 statement?

17           A     I did not.

18           Q     You did not try to contact Dr. Williams?

19           A     I did not.

20           Q     Did you care whether or not what Mr. Altman  
21 said that Dr. Williams had said was true or not about that  
22 call having been received at Parkland Hospital on  
23 November 24th, 1963 from somebody purporting to be  
24 President Johnson?

25                   MR. BABCOCK: Object to the form of the

1 question.

2 THE WITNESS: You know, sure, I cared if  
3 it were true. I did not believe it to be true.

4 BY MR. KIZZIA:

5 Q But you didn't do anything to see if it was  
6 true or not after you read Dr. Altman's article?

7 A I did not call Dr. Williams.

8 Q Did you do anything else?

9 A I -- there was nothing more to be done.

10 Q So the answer is, no, you didn't do anything  
11 else?

12 A No.

13 (Deposition Exhibit Nos. 3-JJJ through  
14 3-LLL marked.)

15 BY MR. KIZZIA:

16 Q Let me show you what I've had marked as  
17 Exhibit 3-JJJ, which is flexed in with some other articles  
18 and editorials that appeared after the JAMA press  
19 conference. Do you see that?

20 A Uh-huh.

21 Q You need to answer out verbally.

22 A Yes.

23 Q Let me show you what I've had marked for  
24 identification purposes Exhibit 3-KKK. Can you identify  
25 that document.

1           A     This appears to be a description by a  
2 Dr. Pepper Jenkins of his recollections of the emergency  
3 care of President Kennedy, 1963.

4           Q     How did you come into possession of that  
5 document?

6           A     It was given to me by Dr. Jenkins.

7           Q     When was it given to you by Dr. Jenkins?

8           A     At the time I interviewed him in April of 1992.

9           Q     Where did you interview Dr. Jenkins?

10          A     I interviewed Dr. Jenkins at his office in  
11 Dallas.

12          Q     Was anybody else present during your interview  
13 with Dr. Jenkins?

14          A     Yes.

15          Q     Who else was present?

16          A     Dr. Baxter and Dr. Carrico.

17          Q     Was that the only interview that you did of  
18 Dr. Jenkins?

19          A     It was.

20          Q     Was that the only interview you did with  
21 Dr. Baxter?

22          A     It was.

23          Q     Was it that the only interview you did with  
24 Dr. Carrico?

25          A     It was.

1           Q     So the interview that you did with those  
2     doctors were done at one time, with them all present?

3           A     It was.

4           Q     Was anyone else present?

5           A     No.

6           Q     Do you know whose handwriting appears on the  
7     first page of Exhibit 3-KKK?

8           A     I don't know. I believe it's Dr. Jenkins, but  
9     I don't know that.

10          Q     Was that handwriting on the document when he  
11     gave it to you?

12          A     I believe this was a copy it was on. It was on  
13     some copy.

14          Q     Let me show you what I've had marked for  
15     identification purposes Exhibit 3-LLL.

16          A     Right.

17          Q     Can you identify that document.

18          A     I believe this is Dr. Jenkins' free-hand  
19     drawing of the gurney in which President Kennedy was  
20     positioned and with the doctors positioned around him  
21     during his emergency care.

22          Q     Whose handwriting appears on Exhibit 3-LLL?

23          A     I believe that's Dr. Jenkins.

24          Q     Did Dr. Jenkins give you this document?

25          A     He did.

1 Q When did he give it to you?

2 A At the time of the interview.

3 Q Did he make the handwritten notes on Exhibit  
4 3-LLL in your presence?

5 A I can't recall.

6 Q When he gave you the document that's marked as  
7 Exhibit 3-L, did it already contain the handwriting, or  
8 was that placed on there later?

9 A Didn't you just ask me that?

10 Q I hope not.

11 A I mean, I can't recall. Dr. Jenkins gave me  
12 this illustration at the conclusion or during the  
13 interview in his office. Now, whether the names were on  
14 it or whether he put them on it at the time, I really  
15 can't recall.

16 Q Did you ask for a copy of that document?

17 A I, in the course -- I did not ask for a copy of  
18 that document. It was volunteered by Dr. Jenkins. But I  
19 did ask him if he could describe the positioning of the  
20 doctors around the President's body during emergency care,  
21 and this is how -- among the ways he chose to answer it.

22 Q Could you read Dr. Jenkins' handwriting at the  
23 time that he gave that to you?

24 A I could make a stab at it.

25 Q Can you read it now?



1           A     At the head of the table, MTJ stands for M.T.  
2     Jenkins. And we have Kemp Clark, and we have -- at the  
3     IV, we have Baxter. At another IV, we have Peters. We  
4     have Dick Dulaney down near one leg. We have Mac Perry on  
5     the left side and Ron Jones and Jim Carrico. And then we  
6     have a Jackie Hunt, who is a nurse.

7           Q     Are there any other names on Exhibit 3-LLL?

8           A     That's the best I can do.

9           Q     Who is Jackie Hunt?

10          A     I believe she was either a technician or a  
11     nurse. She did not --

12          Q     Did you interview Ms. Hunt?

13          A     I did not.

14          Q     Why not?

15          A     I -- the interview, I interviewed the key  
16     physician, leaders of what according to some accounts was  
17     a 30 to 40 team. I saw no reason to interview 40 members.  
18     I interviewed the generally acknowledged four key  
19     physicians.

20          Q     And who are those four?

21          A     The four --

22          Q     The key physicians, in your words.

23          A     The ones who appeared in the article.

24          Q     Jenkins, Carrico and Baxter, who you  
25     interviewed all at one time?

1           A     Yeah, plus Perry.

2           Q     Now, Dr. Jenkins put Jackie Hunt's name on  
3 Exhibit 3-LLL; is that right?

4           A     He certainly did. He also has a Craftsman tool  
5 chest on there. But, you know -- I mean, he did indeed  
6 put her name.

7           Q     Did you try to interview her?

8           A     I've answered that question. I did not.

9           Q     Why do you say that the four doctors that you  
10 did interview were, in your words, key members of the  
11 trauma team?

12          A     From my reading of everything I've read about  
13 the emergency care of President Kennedy, including the  
14 Warren Commission Summary Volume, the original report, the  
15 Texas State Medical Journal in 1966 or so; from my  
16 knowledge of knowing Dr. Pepper Jenkins, who was a  
17 prominent AMA delegate. And from virtually everything  
18 I've read about the emergency care of the President, those  
19 were the four key doctors.

20          Q     Did you say that you knew Dr. Jenkins before  
21 you met with him?

22          A     I knew Dr. Jenkins briefly.

23          Q     Did you know Dr. Baxter before you met with  
24 him?

25          A     I did not.

1 Q Did you know Dr. Carrico?

2 A I did not.

3 Q Did you know Dr. Perry?

4 A I did not.

5 Q What is the name that Dr. Jenkins placed on  
6 Exhibit 3-LLL right above the name Jackie Hunt?

7 A I can't make it out.

8 Q You don't know who he's referring to there?

9 A If I had to make a guess --

10 MR. MCGRAW: I'll object to the witness  
11 speculating.

12 THE WITNESS: It looks like A.H. Giesecke.

13 BY MR. KIZZIA:

14 Q Are you familiar with Dr. Giesecke?

15 A I'm really not. I mean, kind of a vaguely.  
16 But you know, I don't have any specific recollection.

17 Q I take it, then, that you didn't try to  
18 interview Dr. Giesecke?

19 A I did not.

20 Q Do you see where Dr. Jenkins identified Ron  
21 Jones?

22 A Right.

23 Q Who is Dr. Jones?

24 A Dr. Jones is one of the surgical residents, I  
25 believe, who was involved in the emergency care of the

1 President.

2 Q I take it that you did not try to contact  
3 Dr. Jones to interview?

4 A No, I did try to interview Dr. Jones and he was  
5 out of the country. He was not available.

6 Q Why did you try to interview Dr. Jones?

7 A Because Dr. Jones was the fifth, had there been  
8 five, of the five key doctors. And I did attempt -- I set  
9 out to interview all five, and Dr. Jones was out of the  
10 country and was not available at the time I had to do the  
11 interviews.

12 Q Well, Dr. Finck was out of the country, too.

13 A Well, I did -- Dr. Finck was in a different  
14 ballpark, which I'd be glad to explain to you.

15 Q Sure.

16 A There were only three autopsy pathologists and  
17 Finck was the third. After we interviewed and published  
18 the first two, there was considerable press speculation  
19 that we were hiding something since we had not talked to  
20 the third. So we went to the great lengths of going to  
21 Geneva, Switzerland to have Dr. Finck repeat what the  
22 other two said.

23 Now, in regard to Dr. Jones, he was one of  
24 maybe 30, 35, 40 and it was not quite a comparable  
25 situation where we had to interview all 40. So we had

1 four key and the four key, more so than Jones, who was a  
2 surgical resident, so that's where we stopped.

3 Q Well, there were more than three people present  
4 at the autopsy in Bethesda, Maryland.

5 A Three -- there were three and only three  
6 autopsy pathologists who signed their name to the autopsy.

7 Q But there were others present, right?

8 A There were many others present. There were  
9 three who had a responsibility to conduct and report the  
10 autopsy, and those were the three we interviewed.

11 Q Did you ever get in touch with Dr. Jones and  
12 talk to him?

13 A Oddly enough, I saw Dr. Jones after the  
14 articles were published when -- in New York where he was  
15 making a TV appearance as part of the reaction to our  
16 Kennedy stories. Dr. Jones asked me if I would autograph  
17 the JAMA reprint of our articles, which I gladly did for  
18 him. I expressed my regrets that I had been unable to  
19 interview him when he was out of the country.

20 Q Did you interview him at that time?

21 A I did not. The articles had all been  
22 published.

23 Q When you said articles had been published, are  
24 you talking about the May 1992 articles?

25 A Yeah, the May 27, 1992.

1 Q Had Dr. Finck's article been published yet?

2 A It had not.

3 Q Had you gone out to interview him yet?

4 A No.

5 Q So at some point in time after the publication  
6 of the May 1992 articles, you made the decision to go  
7 interview Dr. Finck but not to interview Dr. Jones?

8 A That -- what -- what? That really is a rather  
9 crazy question. I mean, we had made the decision to  
10 pursue Dr. Finck back early in the year. As I said, he  
11 was not available because he travels extensively,  
12 international consulting business.

13 When Dr. Finck agreed to an interview, we  
14 followed up with our previous intention to interview him,  
15 and we did interview. Dr. Jones was a -- it would have  
16 been nice if we had talked to Dr. Jones in addition to the  
17 other four, but it was not essential or, frankly, that  
18 important. And the stories had already been published.  
19 After publication, yes, there was no point in going back  
20 to Dr. Jones to repeat that article.

21 Q But you did go and interview Dr. Finck after  
22 the articles had been published?

23 A Well, I think I've explained that twice now why  
24 we did that.

25 Q Because of criticism that JAMA received?

1           A     No, because of numbers. He was one of three,  
2           and not the criticism as much as lingering conspiracy  
3           questions that perhaps Finck disagreed with the other two.  
4           And that's -- so we did follow-up on our previously  
5           decided decision to pursue Dr. Finck, who finally agreed  
6           to an interview, and we had all three.

7           Q     How many people, is it your understanding, were  
8           present at the autopsy of President Kennedy on the evening  
9           of November 22nd, 1963 at Bethesda Naval Hospital in  
10          Maryland?

11          A     I don't know the exact number. Many came --  
12          passed through, came and went. I don't know. 25, 30.

13          Q     Okay. So you set about to interview the three  
14          persons you felt of that 25 or 30 people at the autopsy  
15          that were most important?

16          A     There were only three pathologists who did the  
17          autopsy, and we interviewed a hundred percent of them;  
18          one, two, three.

19          Q     Well, how many pathologists were there on the  
20          Parkland trauma team?

21          A     There were none, to my knowledge, on the trauma  
22          team.

23          Q     Well, so the fact that they weren't  
24          pathologists did keep you from going and interviewing them  
25          if they were involved?

1           A     Well, you're talking two separate efforts.  
2     You're talking about trying to save a life, in which case  
3     you don't need a pathologist, and then you're talking  
4     about an autopsy which is done by a pathologist.

5           The pathologists are the absolute and only key  
6     to the autopsy, and there were three. We interviewed  
7     three.

8     The emergency care, I interviewed the four key leaders,  
9     captains, if you will, of the team. So, to my mind, we  
10    had covered the essential ground.

11          Q     All right. Dr. Jenkins has also written on  
12    Exhibit 3-LLL the name of Dick Dulaney. Do you see that?

13          A     Yeah.

14          Q     Who is Dr. Dulaney?

15          A     I really don't know. It's my vague  
16    recollection he was a technician and maybe cut down a vein  
17    on the leg. I really don't know.

18          Q     When you say technician, are you describing  
19    something other than a medical doctor?

20          A     Yeah, a non M.D. I think what you have here  
21    are just the positioning of the bodies. These were  
22    Dr. Jenkins' recollections of who was directly against the  
23    body around the gurney. And as you can see the key  
24    positions were at the head of the body working on the  
25    attempt to resuscitate.



1           Q     I take it that you did not try to interview  
2     Dr. Dulaney?

3           A     I did not.

4                     MR. BABCOCK: Assuming he was a doctor.

5                     THE WITNESS: Well, I believe he was not a  
6     doctor.

7     BY MR. KIZZIA:

8           Q     Do you still believe that?

9           A     I don't know.

10          Q     What is your basis for thinking that  
11     Dr. Dulaney is not a doctor?

12          A     I just don't recollect him as an M.D. He may  
13     be.

14          Q     Would that have made a difference to you as to  
15     whether or not you decided to interview him?

16          A     It would not. As I said, I interviewed the  
17     captains of the team, the four key doctors. There was no  
18     need to interview the other 10 doctors.

19          Q     Dr. Jenkins also has written on Exhibit 3-LLL  
20     the name of Peters. Do you see that?

21          A     Yes.

22          Q     Who is that?

23          A     I believe that's another doctor. I can't  
24     recall his first name.

25          Q     Do you know who Dr. Paul Peters is?

1           A     I don't know him personally. I have not  
2 interviewed him. I do not know him professionally.

3           Q     Did you try to interview him?

4           A     I did not.

5           Q     I also see the name Kemp Clark.

6           A     Yes.

7           Q     Dr. Jenkins wrote Kemp Clark's name on the  
8 Exhibit 3-LLL?

9           A     Right.

10          Q     Who is Kemp Clark?

11          A     Dr. Clark is a neurologist who pronounced the  
12 President dead.

13          Q     So Dr. Clark is the one that pronounced  
14 President Kennedy dead?

15          A     He is.

16          Q     You didn't feel like he was one of the key  
17 players?

18          A     I did.

19          Q     Did you try to interview him?

20          A     I did.

21          Q     So here's another -- a sixth key player?

22          A     Well, I would --

23          Q     Who you consider to be a key player?

24          A     I did not consider him as key as the other  
25 four, but I did request an interview with him in the

1           cafeteria of the hospital and he declined. He has a  
2           longstanding record of not doing interviews.

3           Q     Did you make that proposal to him in person?

4           A     I did. I did in person.

5           Q     Had he ever met you before you approached him  
6           in person there?

7           A     He had.

8           Q     Did he, as far as you know, even know you were  
9           there talking to the other doctors?

10          A     He was -- I was introduced to him by  
11          Dr. Jenkins. He knew why I was there. He declined to  
12          participate.

13          Q     Did he know in advance that you were trying to  
14          interview him?

15                   MR. BABCOCK: Object to the form of the  
16          question, calls for speculation.

17                   THE WITNESS: I don't know.

18          BY MR. KIZZIA:

19          Q     Do you have any reason to believe that  
20          Dr. Clark knew in advance of your meeting with him  
21          face-to-face in Dallas that you were seeking his  
22          interview?

23          A     Your question is what?

24          Q     Do you have any reason to believe that  
25          Dr. Clark knew in advance of your meeting with him

1 face-to-face there in Dallas that you were trying to  
2 obtain an interview from him?

3 A I have no reason to believe he knew or did not  
4 know.

5 Q Well, had you spoken with Dr. Jenkins in  
6 advance of meeting him?

7 A Yes, by which --

8 MR. BABCOCK: Wait a minute. Had you  
9 spoken to Dr. Jenkins in advance by which -- and what's  
10 his question? You don't know. Let him finish.

11 BY MR. KIZZIA:

12 Q Had you spoken to Dr. Jenkins in advance of  
13 your interview with him and Dr. Baxter and Dr. Carrico?

14 A Yes.

15 Q Had you spoken to Dr. Baxter in advance of the  
16 interview?

17 A No.

18 Q Had you spoken to Dr. Carrico?

19 A No.

20 Q So did Dr. Jenkins arrange their presence for  
21 you?

22 A He did.

23 Q And so they were all expecting you?

24 MR. BABCOCK: Objection to form.

25 BY MR. KIZZIA:

1 Q As far as you know, they were expecting you?

2 A I assume.

3 Q Well, you hoped that they were expecting you?

4 A Well, yeah. That's what I came for.

5 Q Why didn't you make advance arrangements to  
6 talk to Dr. Clark?

7 A For all I know, Dr. Jenkins may have tried to  
8 make advance arrangements. Dr. Clark declined to be  
9 interviewed.

10 Q Well, he declined to you face-to-face when you  
11 asked him?

12 A He may have declined previous to that  
13 encounter.

14 Q Did you ask Dr. Jenkins to set up an interview  
15 with Dr. Clark?

16 A I asked Dr. Jenkins to set up an interview with  
17 as many of the key physician players as he could.

18 Q Did you identify those who you felt were key  
19 players?

20 A I believe I identified Carrico and Jenkins and  
21 Jones and possibly Dr. Clark. And I also left it to Dr.  
22 Jenkins' discretion if there were any others, you know,  
23 that he thought important.

24 Q Why did you contact Dr. Jenkins and ask him to  
25 set up interviews for you as opposed to you contacting the

1 doctors directly?

2 A Well, because, you know, Dr. Jenkins has long  
3 been known as a man who stood at the head of the table  
4 during the attempt to revive President Kennedy, as indeed  
5 you can see. And because I knew him, you know, as an AMA  
6 delegate and because I knew he was prominently mentioned  
7 in the Warren Commission Summary Volume.

8 Q Did Dr. Jenkins suggest that you try to  
9 interview Dr. Clark, or was that your own idea?

10 A I believe it was a combination.

11 Q Did Dr. Jenkins suggest to you that you  
12 interview any other doctor who was not present at that  
13 meeting with you and Dr. Jenkins and Dr. Carrico and  
14 Dr. Baxter?

15 A He did not.

16 MR. BABCOCK: Can we take a five-minute  
17 break? I need to make a phone call.

18 MR. KIZZIA: Sure.

19 (A break was taken.)

20 BY MR. KIZZIA:

21 Q Mr. Breo, going back to Exhibit 3-LLL that was  
22 provided to you by Dr. Jenkins, he also drew or wrote  
23 Dr. McClelland's name --

24 A Right.

25 Q -- right above Dr. Kemp Clark's name near the

1 head of the table; is that right?

2 A Right.

3 Q Is that right?

4 A That's what he did, he wrote it in.

5 Q And Dr. McClelland and Dr. Clark, according to  
6 Dr. Jenkins' drawing, were near the head of the table  
7 where Dr. Jenkins was; is that right?

8 A That's correct.

9 Q Whose name is that drawn under know Dr.  
10 Dulaney's name by Dr. Jenkins on Exhibit 3-LLL?

11 A I don't have a clue.

12 Q You didn't ask him about that?

13 A No. We didn't -- you know, we did not intend  
14 to reproduce the drawing as part of the publication.

15 Q Who was this that suggested to you that you  
16 interview Dr. McClelland?

17 A It was the group, the three, Dr. Jenkins,  
18 Baxter, Carrico. At the conclusion of the interview, they  
19 said if you want to talk to someone that does not agree  
20 with us, which I did in the spirit of fair play, you  
21 should talk to Dr. McClelland, who I did interview and who  
22 was kind enough to give me a ride to the airport and who  
23 pressed his point of view right up to the airport gate,  
24 and whose comments I included in the article as evidence,  
25 if nothing else, of the fact that the controversy may

1 never go away.

2 MR. KIZZIA: Could you read back that  
3 question. I just want to see how unresponsive you were to  
4 that.

5 (Requested material read.)

6 BY MR. KIZZIA:

7 Q Did you interview Dr. McClelland on that same  
8 trip that you interviewed Drs. Jenkins, Carrico and  
9 Baxter?

10 A I did.

11 Q Was it the same day?

12 A It was the same day.

13 Q Did Dr. Jenkins arrange for that meeting also?

14 A I don't recall if it was Dr. Jenkins or one of  
15 the other doctors, but someone called Dr. McClelland and  
16 said Mr. Breo will be over.

17 Q Was he -- was Dr. McClelland expecting you  
18 before you made your trip down to Dallas, as far as you  
19 know?

20 A I don't know.

21 Q Where did you interview Dr. McClelland?

22 A In his office.

23 Q Was anyone else present during that interview?

24 A No.

25 Q Did someone suggest to you or recommend to you



1 that you interview Dr. Perry?

2 A I suggested it to myself. I mean, Dr. Perry  
3 was pretty much the captain of the team, the man who -- I  
4 had already made the suggestion that I was going to  
5 interview Dr. Perry.

6 Q What makes you say that Dr. Perry was the  
7 captain of the team?

8 A Well, because in the Warren Commission Report,  
9 he was reported to be the man who performed the  
10 tracheostomy, which was the main surgical procedure to  
11 attempt to save the President's life.

12 Q Were there any other surgical procedures taken?

13 A There were many, but that was the key one.

14 Q What other key procedures were taken?

15 A Well, you know, everything that's involved in  
16 attempting to resuscitate a severely ailing patient.

17 Q Well, what were the measures that were taken?

18 A Well, they suctioned his chest, they did the IV  
19 solutions and anesthesiology and an endotracheal tube and  
20 so on.

21 Q Who were the doctors that did the IVs?

22 A Some -- some of them were on this drawing. I  
23 mean, you know, up and down the body. The main thing was  
24 Pepper Jenkins was doing the anesthesiology. Dr. Carrico  
25 attempted to start the endotracheal tube. Drs. Baxter

1 and, I believe, Perry did the tracheostomy.  
2 Dr. McClelland was involved in the chest work. Those are  
3 the key -- key people.

4 Q Well, you also said that Dr. Clark was a key  
5 person, didn't you?

6 A Dr. Clark in his capacity as a neurologist  
7 pronounced the President dead. I don't believe that he  
8 worked on the President's body. There wasn't much work to  
9 be done on the head.

10 Q What kind of a doctor was Dr. Jenkins?

11 A Dr. Jenkins was and is an anesthesiologist.

12 Q What kind of doctor was Dr. McClelland, or is  
13 Dr. McClelland?

14 A Surgeon.

15 Q General surgeon or any particular specialty?

16 A I'm not sure if he specializes or not. I think  
17 he's a chest surgeon.

18 Q What about Dr. Baxter, what kind of medicine  
19 does he practice?

20 A I believe he's an internist.

21 Q And Dr. Peters?

22 A I don't know. I'm not sure.

23 Q Dr. Carrico?

24 A Carrico was a surgical resident.

25 Q He was at the time?

1 A Yeah.

2 Q What is his specialty now?

3 A I believe he's a surgeon.

4 Q What kind of surgery, anything in particular?

5 A I'm not sure.

6 Q What about Dr. Jones, what was his --

7 A I believe he's a surgeon.

8 Q Was he a surgeon at the time?

9 A I believe he was a surgical resident.

10 Q Who did you say performed the IVs?

11 A I said some descriptions are made on this  
12 drawing. I really -- I was not there to recreate the  
13 clinical description of the attempt to resuscitate  
14 President Kennedy, so I mean cannot answer chapter and  
15 verse who did what to whom.

16 Q What were you there for?

17 A I was there to get the -- the entire -- I'm  
18 glad you asked that question. The purpose of these  
19 articles was to document the integrity of the autopsy.  
20 And the autopsy report, 10 pages, Part 1 of 14, was the  
21 key story.

22 THE WITNESS: Was I being overly  
23 responsive, Counsel?

24 MR. BABCOCK: No. That's probably all  
25 right.

1 THE WITNESS: The second part was to talk  
2 to the Dallas physicians who attempted to resuscitate the  
3 President, in which case there would have been no need for  
4 an autopsy, to see if there was anything they saw in their  
5 eyewitness observations that would either contradict or  
6 support the autopsy. And this was clearly to support the  
7 story, four pages out of fourteen.

8 And the findings, most importantly, first and  
9 foremost, as emphasized in the article, was that no one in  
10 that Trauma Room One during the 30 minutes they had to try  
11 to save a life made any forensic examinations or  
12 measurements that in any way, shape or form could begin to  
13 substitute for the autopsy.

14 Therefore, the perforce included that they  
15 would go along with the findings of the autopsy, which is  
16 conducted for that very reason, to determine the cause of  
17 death. That's what they said in 1963; that's what they  
18 said in 1992. That was the value of the interviews.  
19 That's what I set out to do, that's what we did.

20 Q Did I understand you to say that the purpose of  
21 the interviews was to document the integrity of the  
22 autopsy?

23 A The purpose of the whole package.

24 Q So you had a goal before you interviewed any of  
25 the doctors to buttress or bolster the autopsy?

1           A     Absolutely not. We had no preconceived notions  
2 of any type. We went to key primary eyewitness physicians  
3 then and now to get their recollections and objective  
4 evidence on the autopsy and the emergency care of the  
5 President. And when the dust finally settled, after doing  
6 the investigation and the reporting, it turned out that we  
7 had, in our opinion, documented at the end of the spectrum  
8 the integrity of the autopsy.

9           Q     Did I understand you to say that you went to  
10 Dallas to talk to the doctors that you talked to find out  
11 what they saw?

12                     MR. BABCOCK: Object to the form of the  
13 question. You can't possibly understand what he  
14 understands you to say.

15 BY MR. KIZZIA:

16           Q     Okay. Let me ask you this: Was your primary  
17 purpose in talking to the doctors in Dallas that you did  
18 talk to, to find out what they saw or find out what they  
19 did?

20           A     I mean, how do you distinguish between the two?  
21 What do you --

22           Q     Well, do you distinguish between the two?

23           A     They saw what they did and, you know, they did  
24 according to what they saw.

25           Q     You said a while ago that it wasn't your

1           purpose to find out who all was involved in the treatment  
2           of -- emergency treatment to President Kennedy and who did  
3           what. Did I misunderstand you?

4           A       I said it was not our purpose to do a clinical  
5           chapter and verse on exactly, you know, who cut down what  
6           vein in what leg of the President. The purpose was what  
7           the key physicians attempted to do to save the life of the  
8           President and in so doing if they -- if their  
9           observations, examinations, and measurements agreed with  
10          the determination of the cause of the death as determined  
11          at the autopsy.

12          Q       You said you were not trying to find out who  
13          did what, cut down on what vein?

14          A       No, I was not trying to recreate what every one  
15          of the 40 people in that room did.

16          Q       Do you know which doctors did cut down on  
17          President Kennedy?

18          A       I don't know the -- you know, I don't know  
19          who -- I don't know who exactly, what 40 people were in  
20          the room and exactly, you know, which number of those did  
21          hands-on care; you know, who did exactly what.

22          Q       Because you don't know that -- and I take it  
23          you didn't try to find out that; is that right?

24          A       I tried to find out the important thing that  
25          the -- the important steps in the unsuccessful effort to

1           resuscitate the President.

2           Q     What were the important steps in your view?

3           A     Well, the important steps were the endotracheal  
4           tube, the tracheostomy, the pronouncing of the President  
5           dead. It all happened within 30 minutes.

6           Q     So you didn't think that the cutdown and the  
7           IVs were part of that?

8           A     Well, sure, they were part of the routine of  
9           any emergency of any patient in acute distress.

10          Q     Were they important parts of that effort?

11          A     They were essential parts. They were standard  
12          parts.

13          Q     Okay.

14          A     They were not essential parts of the interview  
15          for the --

16          Q     Why?

17          A     -- for the purposes of determining the cause of  
18          death.

19          Q     Was that the purpose of the interviews, to  
20          determine the cause of death?

21                   MR. MCGRAW: I'm going to object. This  
22                   question has been asked and answered three or four  
23                   different times. And apparently Counsel doesn't like the  
24                   answers he's getting, so he's asking the questions over  
25                   and over and over. Asked and answered.

1 MR. BABCOCK: Same objection.

2 BY MR. KIZZIA:

3 Q Can you answer the question?

4 A Well, I would agree. I think I have answered  
5 the question on multiple, multiple occasions. We set out  
6 to interview the primary hands-on medical physician  
7 medical eyewitnesses in, first, the emergency care of the  
8 President and then the autopsy.

9 We set out with no preconceived ideas. We set  
10 out to get their views, 1963, 1992, as to what happened  
11 and what their role in it was. And I had interviewed the  
12 autopsy physician first to determine that the cause of  
13 death was two bullets from the rear. And when I talked to  
14 the four key members of the Dallas medical team, I asked  
15 them basically two things; what did you do, you, the team  
16 do, the team you were in charge of.

17 I believe Baxter was in charge of the emergency  
18 room. So in a sense all of those 30, 40 people, A.T.  
19 Giesecke and Jackie Hunt and Dick Dulaney and everybody  
20 else who were under Baxter's care. And I asked Baxter, as  
21 the captain of that team, what did you the generic team do  
22 to try to save the President's life in those 30 minutes  
23 you had. And during that time, did you, any of you, make  
24 any forensic examinations, measurements, photographs,  
25 x-rays, anything that in any way would lead you to make a



1 meaningful informed determination as to the cause of  
2 death.

3 They said, point one, no, we're in no position  
4 to do. We were trying to save a life, so none of us could  
5 have seen anything that really is of any great  
6 consequence. Point two, to the degree we did, we agree  
7 with the autopsy, period.

8 Q When was your interview with Dr. Perry?

9 A The interview with Dr. Perry was subsequent to  
10 the interview with the other Dallas doctors, maybe a week.

11 Q Where did that take place?

12 A They took place over the telephone. I was in  
13 Chicago; Dr. Perry was in Fort Worth.

14 Q Did you initiate the telephone call?

15 A I believe he returned my call, but I initiated  
16 the call to him.

17 Q Do you think that the telephone interview with  
18 Dr. Perry was pretty sufficient? You didn't need a  
19 face-to-face interview with him?

20 A I, in general, believe a face-to-face interview  
21 is preferable, but I think in this case the telephone  
22 interview with Dr. Perry was more than sufficient.

23 Q But why do you feel that way?

24 A Well, because at that point I had done  
25 considerable amounts of the research and interviewing and

1 I needed his opinion in addition to that of the others,  
2 and I was able to obtain it through a telephone interview.

3 Q So you were just basically trying to get his  
4 confirmation of what you told him the other doctors told  
5 you?

6 A Absolutely not. I was trying to get his views  
7 as the key -- probably the key member of the team, the man  
8 who performed the key procedure, the tracheostomy, to get  
9 his opinion on what he did to try to save the life and  
10 what his opinion of the autopsy was.

11 Q Did you send anything to Dr. Perry for him to  
12 look at?

13 A I did not.

14 Q Did you send anything to Dr. Jenkins or Baxter  
15 or Carrico for them to look at or review before you met  
16 with them?

17 A I believe I showed to them at the time I  
18 interviewed them the -- I believe I shared with them the  
19 gist of what the autopsy pathologist had told myself and  
20 Dr. Lundberg in the earlier interviews.

21 Q Did you do that orally or in writing?

22 A I told them during -- you know, as part of the  
23 interview.

24 Q Orally?

25 A Orally, yeah.

1 Q Did you attempt to review any documents or  
2 photographs with Drs. Jenkins, Baxter or Carrico at the  
3 time that you had your meeting with them?

4 A No.

5 Q I take it that the same is true of your  
6 telephone interview with Dr. Perry; is that right?

7 A That's correct.

8 Q Why do you think a face-to-face interview is  
9 preferred to a telephone interview?

10 A Well, it's been my preferred method, you know,  
11 for a lot of reasons. You know, you care enough to come  
12 that far, as we have come to Dallas, Texas for this  
13 deposition. You pick up nuance and background. You see  
14 the person in his own environment. You know, generally,  
15 you have much more time. You know, a lot of reasons.

16 Q Any other reasons, other than what you've just  
17 named?

18 A Well, there probably are. But most of the  
19 interviews I have done over the years have been  
20 face-to-face.

21 Q And is that because of the reasons that you  
22 just stated?

23 A Those reasons and, you know, it's just -- it's  
24 a more effective way of doing an interview, in my opinion.

25 Q Why is it more effective?

1 MR. BABCOCK: Objection. You've already  
2 asked that question.

3 BY MR. KIZZIA:

4 Q Do you have any reason to believe that a  
5 face-to-face interview is more effective than an  
6 over-the-telephone interview, other than what you've  
7 stated?

8 A You know, I've talked to Chip Babcock and Rick  
9 Nelson on the phone. I've not talked to them in person.  
10 It's more effective to talk to people in person. It's  
11 kind of common sense. It's common knowledge.

12 Q I would agree with you, but I want to know why  
13 you feel that way.

14 MR. BABCOCK: He's already said. Do you  
15 have any other reasons, other than what you've said?

16 THE WITNESS: None particularly.  
17 Journalistically, if you're face-to-face, you can take  
18 photographs. You can reproduce the photograph. You can  
19 get the locale. You know, if you're in Dallas, you can  
20 look out and see the Schoolbook Depository. I'm sure this  
21 is -- for all the obvious reasons.

22 BY MR. KIZZIA:

23 Q Did you take photographs of Drs. Jenkins,  
24 Baxter and Carrico?

25 A I did.

1 Q You did?

2 A I did, yes.

3 Q And did they appear in your articles?

4 A They did.

5 Q Did you take any photographs that did not  
6 appear in your articles?

7 A Well, I took many of those that didn't make the  
8 cut. You know, the better pictures appeared in the  
9 article. But, I mean, I didn't photograph anybody who I  
10 didn't interview for the article.

11 Q Did you take the photographs -- or did you take  
12 photographs at your meeting with Drs. Humes and Boswell?

13 A I did.

14 Q And are those the photographs that appeared  
15 in your articles?

16 A Yes.

17 Q Did you take photographs with your -- or at  
18 your meeting with Dr. Finck?

19 A I did.

20 Q And are those the photographs that appear in  
21 your articles?

22 A Yes.

23 Q Did you take any other photographs?

24 A No.

25 (Deposition Exhibit Nos. 3-MMM and 3-NNN

1 marked.)

2 BY MR. KIZZIA:

3 Q Let me show you what I've had marked for  
4 identification purposes as Exhibit 3-MMM. Can you tell me  
5 what that document is.

6 A This is the -- appears to be the report of what  
7 was known as the Ramsey Clark Forensic Panel of 1968,  
8 which reviewed the autopsy, the Kennedy autopsy.

9 Q How did you come in possession of that  
10 document?

11 A That was given to me by Dr. Boswell at the time  
12 of our interviews in Florida.

13 MR. BABCOCK: He didn't ask where. He  
14 just asked you who gave them to you.

15 THE WITNESS: Okay.

16 BY MR. KIZZIA:

17 Q So you had not reviewed the documents marked as  
18 Exhibit 3-MMM before your meeting with Dr. Boswell and  
19 Dr. Humes?

20 A I had not.

21 Q Did you review it at some point in time?

22 A I reviewed it as soon as it was given to me.

23 Q Do you mean he handed it to you and you  
24 immediately started reading it?

25 A Well, I -- that night.

1 Q Thumbing through this document is somewhat  
2 lengthy. I don't see any highlighting or notations  
3 whatsoever on this document.

4 A I think you can probably understand it by --

5 MR. BABCOCK: Well, wait a minute. That's  
6 not the question. Do you know what he just said? He  
7 said, thumbing through this quickly, I don't see any  
8 highlighting.

9 THE WITNESS: Oh, right. That's correct.

10 BY MR. KIZZIA:

11 Q Did you make any highlighting or notes on the  
12 document when you reviewed it?

13 A I did not.

14 Q Did you make any notes on separate paper based  
15 upon your review of the document that's marked as Exhibit  
16 3-MMM?

17 A I may have.

18 Q You may have?

19 A I can't recall, but I may have. I relied  
20 essentially upon the conclusion, which was fairly brief.

21 Q Are you saying that you turned to the  
22 conclusion on Page 16?

23 A No. I'm saying I read the entire 16 pages, but  
24 the conclusion seemed to sum it up rather well.

25 Q Do you normally highlight or make notes on

1 copies of documents that you review?

2 A I might; I might not. If I do, I might make  
3 them on a separate sheet of paper or I might have  
4 committed it to memory if there's a particular --  
5 something particularly important. I'm not typically a  
6 person who gets a little highlighter, if that's what  
7 you're asking.

8 Q Have you committed Exhibit 3-MMM to memory?

9 A I have committed the conclusion, the essence of  
10 the conclusion to memory.

11 Q What is the conclusion?

12 A That the -- this blue ribbon panel of 1968 of  
13 four distinguished forensic pathologists unanimously  
14 endorsed and supported the autopsy findings of 1963, as  
15 reported in the Warren Commission Report in 1964. So what  
16 you had is independent verification of the autopsy  
17 results.

18 Q What was examined to come to that conclusion?

19 A Virtually everything. They had access to the  
20 photographs, the x-rays, clothing, you know, the Warren  
21 Commission testimony.

22 Q In the summary on Page 16 of Exhibit 3-MMM,  
23 there's a statement that a bullet traversed the base of  
24 the neck on the right side without striking bone. Do you  
25 see that?



1           A     Yes.

2           Q     Is that consistent with what you were told by  
3           Drs. Humes and Boswell?

4           A     That was not -- if you would read the rest of  
5           that sentence, it is the essence of the story. The rest  
6           of that sentence, which is -- should I read it for you?

7                     Which is, the other shot of which entered the  
8           skull from behind and exploded out the right side. That's  
9           the essence of the 15,000 words of journalism. You know,  
10          two bullets from behind, one of which killed him.

11                    MR. KIZZIA: Objection, nonresponsive.

12          BY MR. KIZZIA:

13           Q     My question to you is, see where on Page 16 of  
14           Exhibit 3-MMM it states that a bullet supposedly traversed  
15           the base the neck on the right side. Do you see that?

16           A     Yes.

17           Q     Is that consistent with what Drs. Humes and  
18           Boswell told you?

19           A     Yes, it is.

20           Q     Okay. Let me show you what I have had marked  
21           for identification purposes as Exhibit 3-NNN.

22           A     Yes.

23           Q     Can you identify that document.

24           A     This is the press clipping from the

25           New York -- New Orleans States-Item of February 25, 1965,

DIANA HENJUM REPORTING SERVICE, P.C. DALLAS, TX 780-5552

1 a partial report on the Jim Harrison prosecution of Clay  
2 Shaw.

3 Q How did you come into possession of that  
4 document?

5 A This was given to me by Dr. Boswell at the time  
6 of our interview. Given to me by Dr. Boswell.

7 Q When did Dr. Boswell give Exhibit 3-NNN to you?

8 A When I interviewed him in April of '92.

9 Q Did you review Exhibit 3-NNN at that time?

10 A I did.

11 Q Were you interested in knowing what  
12 Dr. Finck -- or how Dr. Finck testified at the Clay Shaw  
13 trial in New Orleans?

14 A I was.

15 Q Did you think about obtaining a copy of the  
16 transcript of Dr. Finck's testimony yourself?

17 A I not only did, I went to the enormous  
18 lengths -- and I could write a book about the difficulties  
19 of dealing with the legal support system in New Orleans  
20 trying to obtain this particular full transcript. And I  
21 moved heaven and earth and, believe me, I could not do it.

22 Q So you did not obtain a copy of the transcript  
23 of Dr. Finck's testimony?

24 A I could not obtain the transcript. So I --  
25 yeah, this essentially is a newspaper condensation of his

1 testimony.

2 Q Why were you interested in obtaining and  
3 reviewing Dr. Finck's testimony at the Clay Shaw trial in  
4 New Orleans?

5 A Well, because at the time this was the only  
6 public statement by an autopsy pathologist about the  
7 autopsy, you know. Dr. Finck was subpoenaed as part of  
8 the Garrison prosecution and he testified in open court,  
9 which was the only nongovernmental testimony by a  
10 pathologist. And, you know, I found that significant.

11 Q Was Dr. Finck's sworn testimony in court in  
12 New Orleans at the Clay Shaw trial, consistent in all  
13 respects with the information provided to you by Dr. Humes  
14 and Boswell regarding the autopsy?

15 A It was absolutely consistent with the essential  
16 point that two bullets came from behind. And more to the  
17 point, when I interviewed Dr. Finck myself, I got the  
18 story from the horse's mouth.

19 MR. KIZZIA: Object as nonresponsive.

20 BY MR. KIZZIA:

21 Q My question was, was the testimony of Dr. Finck  
22 at the Clay Shaw trial consistent in all respects with  
23 what you were being told by the autopsy Drs. Boswell and  
24 Humes?

25 MR. BABCOCK: Object to the form of the

1 question. How can he even know what the question was  
2 prior to trial?

3 THE WITNESS: That's all I had was the  
4 newspaper.

5 BY MR. KIZZIA:

6 Q Do you know of any contradictions given in  
7 Dr. Finck's testimony at the Clay Shaw trial and what you  
8 were told by Drs. Humes and Boswell regarding the autopsy?

9 A None that have not been subsequently researched  
10 and none of any importance.

11 MR. BABCOCK: You mean resolved?

12 THE WITNESS: I mean resolved.

13 BY MR. KIZZIA:

14 Q Well, what contradictions were you talking  
15 about?

16 A Well, there was -- I mean, you know, Garrison,  
17 the prosecutor, led him on a series of questions designed  
18 to indicate whether or not generals were in control of the  
19 morgue or not. And Finck, he told me later, when I  
20 interviewed him face-to-face, did his best to answer that,  
21 but it came out somewhat murky. And, in any event, was of  
22 no consequence in regard to the main finding that there  
23 were two bullets in the rear with which he concurred, to  
24 which he testified.

25 Q Other than the general's being present and

1 possibly in control of the autopsy, were there any other  
2 inconsistencies?

3 A None that I can recall.

4 (Deposition Exhibit Nos. 3-000 through  
5 3-SSS marked.)

6 BY MR. KIZZIA:

7 Q Let me show you what I've had marked for  
8 identification purposes as Exhibits -- well, Exhibit  
9 3-000, can you identify that?

10 A This is an article in the New York Times  
11 quoting Jack Valenti as saying Oliver Stone's movie, JFK,  
12 is a smear and a hoax and pure fiction and rivals the Nazi  
13 propaganda. Then it goes on to get serious about what he  
14 thinks about it.

15 Q How did you come in possession of this  
16 document?

17 A I subscribe to the New York Times. I believe I  
18 just clipped it out myself.

19 Q Let me show you what I've had marked for  
20 identifications purposes as Exhibit 3-PPP. Can you  
21 identify that document.

22 A It's an article in the Chicago Tribune of April  
23 5, 1992 which says, role of JFK doctor questioned.

24 Q How did you come into possession of that  
25 documented?

1           A     Well, either one of two ways. Either it was in  
2     the AMA clip sheet or I also subscribe to the Chicago  
3     Tribune. But, you know, I may have clipped it out myself.

4           Q     You don't remember?

5           A     I can't recall.

6           Q     Do you remember when you came into possession  
7     of that document?

8           A     I really can't. I believe the date of that  
9     story is the date I was in Florida doing the interviews,  
10    so I would not have been at home clipping it myself.

11          Q     Do you know whether or not you've read the  
12    article that's marked as Exhibit 3-PPP before you wrote  
13    your JAMA articles about the JFK?

14          A     Is this PPP? I can't recall.

15          Q     Let me show you what I've had marked for  
16    identification purposes as Exhibit 3-QQQ. Can you  
17    identify that document?

18          A     This is an article in the Chicago Tribune,  
19    which a columnist comments on Oliver Stone's movie, JFK,  
20    and does not agree with the tone calling it a reward for  
21    twisting the facts.

22          Q     Do you know how you came into possession of  
23    that document?

24          A     Well, again, it would have been one of those  
25    two routes. Either I clipped it myself from my own

1 subscription of the Chicago Tribune or I got it through  
2 the AMA clip sheets.

3 Q You don't know which?

4 A I can't recall.

5 Q Do you know when you came into possession of  
6 the copy?

7 A About the time of the publication.

8 Q And when was that?

9 A I don't know.

10 Q So you don't know when you came into possession  
11 of it?

12 A I don't know.

13 Q Let me show you what I've had marked for  
14 identification purposes as Exhibit 3-RRR. Can you  
15 identify that document?

16 A I believe this is from the AMA library. This  
17 is the summary sheet of a library search they did for me  
18 for articles on the assassination.

19 Q Who did it for you?

20 A The AMA library staff, I have no doubt. I have  
21 no idea which individual did it.

22 Q What kind of articles would that -- would such  
23 a search reveal?

24 A That was left to their discretion. I just  
25 said, you know, I'd like any articles in the medical

1 literature that appear to relate to the -- either the  
2 medical care or the autopsy President Kennedy.

3 Q Who did you ask to do that?

4 A I asked whoever answered the phone at the AMA  
5 library in charge of inquiries.

6 Q Do you remember --

7 A I do not remember.

8 Q There appears to be some handwriting on this  
9 Exhibit --

10 A Uh-huh.

11 Q -- 3-RRR. Do you see that?

12 A Uh-huh.

13 Q Do you recognize any of that handwriting?

14 A No, I do not. It's not mine. I imagine it's  
15 the library's.

16 MR. BABCOCK: Don't imagine.

17 THE WITNESS: I'm sorry.

18 BY MR. KIZZIA:

19 Q Do you see the notation M/F that appears?

20 A Right.

21 Q What does that mean?

22 A I have no idea. Male, female.

23 Q Do you see the notation, don't --

24 A It appears to say, don't hold your breath.

25 Q What does it say? It appears to be some



1 Q Who is Dr. John Nichols?

2 A M.D., Ph.D, Fellow of the American College of  
3 Physicians, Associate Professor Pathology, University of  
4 Kansas Medical Center.

5 Q When did you come into possession of that  
6 document?

7 A Before -- sometime before the interviews with  
8 Drs. Humes and Boswell.

9 Q Did you read it?

10 A I skimmed it.

11 Q Do you remember anything -- strike that. To  
12 use your terminology earlier, did you commit any of it to  
13 memory?

14 A I did not use my highlight pen. I skimmed it  
15 and --

16 MR. BABCOCK: The question is, did you  
17 commit anything to memory?

18 THE WITNESS: Nothing that I recall now.

19 BY MR. KIZZIA:

20 Q Do you remember what Dr. Nichols' conclusions  
21 were as stated in Exhibit 3-SSS?

22 A I recall that my specific purpose was go beyond  
23 what Dr. Nichols and others were speculating on and go to  
24 the people who were there and see what they had to say.  
25 So all of the stuff that had previously been published, I

1 and absolutely agrees with the autopsy report.

2 MR. KIZZIA: I object to your  
3 nonresponsiveness.

4 BY MR. KIZZIA:

5 Q Turning to the front of the article, it appears  
6 that it was published in November 1973, not '64.

7 A Okay. Five years previous. I'm sorry.

8 MR. BABCOCK: Who knows when it was  
9 published? Do you know when it was published?

10 THE WITNESS: I really don't. The AMA  
11 library provided me with this mass of --

12 BY MR. KIZZIA:

13 Q Did I understand you to say that original and  
14 primary sources were most important to you?

15 MR. BABCOCK: Object to the form of the  
16 question. You can't know what he understood you to say.

17 BY MR. KIZZIA:

18 Q Did you say that primary and original sources  
19 were more important than articles by Dr. Nichols or anyone  
20 else that were not original and primary sources?

21 A I think within a spectrum of comments and  
22 opinions about a medical determination like this, the  
23 viewpoint of primary sources certainly should be given  
24 proper emphasis.

25 Q Proper emphasis. What's the proper emphasis in

1 your view?

2 A The proper emphasis is to seek them out and to  
3 interview them and to see what they have to say.

4 Q Well, do you think that the primary original  
5 source is more important than secondary sources?

6 A It can be.

7 Q Not always?

8 A It depends.

9 Q It depends on what?

10 A It depends on, you know, the issue, the story,  
11 the determination, the evidence.

12 Q Well, in the case of the JFK assassination, in  
13 your view, what was more important, the primary original  
14 sources or secondary sources?

15 A I think that articles of the type we were just  
16 discussing can be overemphasized in trying to reach an  
17 objective conclusion.

18 MR. KIZZIA: Objection, nonresponsive.

19 BY MR. KIZZIA:

20 Q Which was more important -- or do you feel was  
21 more important in connection with the JFK assassination,  
22 original primary sources or secondary sources?

23 MR. BABCOCK: Objection. Are you  
24 talking about the Warren Commission Report or some

25 other -- I mean, when you say the JFK assassination, it's

1 not clear to me what you're talking about.

2 BY MR. KIZZIA:

3 Q Can you answer the question?

4 A What is the question?

5 Q With regard to the articles in the JFK --

6 A My articles?

7 Q With regard to the articles that you wrote on  
8 the JFK assassination, which did you feel were more  
9 important, primary original sources or secondary sources?

10 A The totality of the record.

11 Q And what do you mean by that?

12 A That in my examination and reporting of the  
13 totality of the record, the primary eyewitness  
14 determination of two bullets from the rear appeared to be  
15 the accurate determination.

16 MR. KIZZIA: I object to your answer as  
17 being nonresponsive.

18 BY MR. KIZZIA:

19 Q Mr. Breo, so are you saying that from your  
20 perspective and writing the articles that you wrote on the  
21 JFK assassination primary and secondary sources were of  
22 equal value to you?

23 A Everything was important to be explored and  
24 reported. The pattern that emerged at the end of the  
25 reporting was that the primary original sources is what we

1 based our report on after having given due consideration  
2 to many of the secondary sources and criticisms.

3 Q But, to you, as I understand what you said, the  
4 totality of the record was what was important to you; is  
5 that right?

6 MR. BABCOCK: Objection, asked and  
7 answered.

8 BY MR. KIZZIA:

9 Q Well, what did you mean when you referred to  
10 the totality of the record? What all did that include?

11 A It meant wading through all of these early  
12 reports from the AMA library. It meant going to see the  
13 movie JFK by Oliver Stone. It meant reading Dr.  
14 Crenshaws' book. It meant reading other conspiracy books.  
15 It meant reading reviews of conspiracy books. It meant  
16 taking all the theories into consideration and then going  
17 to the doctors that we reported and transforming it all  
18 into a piece of journalism.

19 Q But the totality of the record in your view --

20 A Well, the totality of the record that I've  
21 got --

22 MR. BABCOCK: Wait a minute, wait a  
23 minute. Hold on, hold on. Now ask a question.

24 BY MR. KIZZIA:

25 Q Is there something you want to say?

1           A     I'm saying the totality of the record, as I  
2 investigated it. I don't presume to say that I looked at  
3 every scrap of paper that might be involved.

4           Q     But the totality of the record, in your view,  
5 did not include the sworn testimony of the doctors to the  
6 Warren Commission?

7           A     Well, of course, it did.

8           Q     Well, you --

9           A     We interviewed many of them. It was the  
10 totality of the medical records, by the way. It was a  
11 limited objective of our articles and, of course, it  
12 included the sworn testimony of the Warren Commission of  
13 which I read the 900 pages of the summary volume.

14          Q     Well, the summary volume was just that, right,  
15 a summary? It wasn't the actual testimony itself; isn't  
16 that true?

17          A     A summary volume is just what it means. It's a  
18 summary. When this case is all over, there will be a  
19 summary and that will be the determination.

20          Q     Well, there were additional volumes of the  
21 testimony of the doctors to the Warren Commission, were  
22 there not?

23          A     There were 26 volumes and maybe millions of  
24 words in the 26 volumes of the Warren Commission.

25          Q     Well, the 26 volumes weren't all doctors'

1 testimony, were they?

2 A That's my understanding.

3 Q Did you review the transcripts of the testimony  
4 of the doctors to the Warren Commission?

5 A What do you mean by the transcripts?

6 Q Well, the question and answers that are set  
7 forth in the volumes of the hearings before the Warren  
8 Commission that show what questions were asked of the  
9 doctors and shows what their sworn responses were.

10 A I read the summary volume of the Warren  
11 Commission report including the chapter on the medical  
12 narrative.

13 Q So you read a summary of their testimony or sum  
14 of their testimony; is that right?

15 A I read the summary of the Warren Commission  
16 Report.

17 Q Which was, in part, a summary of some of the  
18 doctors' testimony?

19 A It was a summary apparently of what the Warren  
20 Commission determined to be the key testimony that led to  
21 their conclusions.

22 Q So is the Warren Commission Report, in that  
23 regard, with regard to its summarization of the medical  
24 testimony a primary source, a secondary source, in your  
25 view?

1                   MR. BABCOCK: Object to the form of the  
2 question. These are terms that you've come up with.

3                   THE WITNESS: You're talking kumquats and  
4 apples. I mean, I'm using primary eyewitness in terms of  
5 going face-to-face to interview someone who was there, not  
6 in reading the stuff.

7 BY MR. KIZZIA:

8                   Q Well, I just wanted to determine what you meant  
9 by the totality of the record. And I want our record here  
10 today to be clear that the totality of the record, as you  
11 described it, did not include the transcripts of the sworn  
12 testimony of the doctors to the Warren Commission. Isn't  
13 that true?

14                  A No, no. I meant the totality of the combined  
15 expertise of these nine or ten physicians I interviewed.  
16 You know, their entire histalt (sic) over the 30 years of  
17 everything they knew and heard, since seen, read,  
18 absorbed, whatever.

19                  When I interviewed these nine or ten key people  
20 who indisputably were there, given everything they've  
21 read, heard, seen, discussed about this case, that they  
22 would give me the totality of their impressions and their  
23 final bottom line of what happened here, and that was two  
24 bullets from the rear. That is the totality of the  
25 medical evidence of our reports at JAMA.



1 MR. KIZZIA: I object to the answer as  
2 being nonresponsive.

3 BY MR. KIZZIA:

4 Q Sooner or later, I believe, Mr. Breo, I'm going  
5 to get an answer to the question.

6 A If I can understand the question, I'll try to  
7 give you an answer. What is your question?

8 Q You said that you read the Summary Warren  
9 Report; is that right?

10 A That's correct.

11 Q It's one volume, right?

12 A That's the summary volume.

13 Q And then there's 26 volumes of the so-called  
14 evidence, including testimony of witnesses under oath to  
15 the Warren Commission. You understand that, don't you?

16 MR. BABCOCK: Object to the form of the  
17 question.

18 BY MR. KIZZIA:

19 Q Don't you understand that?

20 MR. BABCOCK: Same objection.

21 BY MR. KIZZIA:

22 Q If there were 26 volumes of evidence or  
23 so-called evidence that was presented to the Warren  
24 Commission, much of which was testimony of witnesses under  
25 oath --

1 MR. BABCOCK: Object to the form of the  
2 question.

3 MR. WATLER: I join in the objection. All  
4 you have to do is ask him, did you read the 26 volumes or  
5 did you not.

6 BY MR. KIZZIA:

7 Q Well, clearly, you didn't read the 26 volumes,  
8 did you?

9 A No, I did not read the 26 volumes.

10 Q Did you read any of the 26 volumes?

11 A I did not.

12 MR. BABCOCK: There we go.

13 BY MR. KIZZIA:

14 Q Did you read any of the doctors' testimony  
15 presented to the House Select Committee on Assassinations?

16 A I did.

17 Q Which doctors' testimony did you read?

18 A Probably most significantly, I read Dr. Michael  
19 Bauden, who was chair of the forensic -- of the nine  
20 pathologists forensic panel that advised the House Select  
21 Committee on Assassinations, which like the earlier 1968  
22 panel supported the autopsy report.

23 Q So you say that you read Dr. Bauden's  
24 testimony?

25 A I read parts of it. I read his book. Dr.

1 Bauden has written a book called -- the title escapes me.  
2 The Kennedy autopsy is his lead chapter.

3 Q But you didn't interview Dr. Bauden, did you?

4 A Actually, I have interviewed Dr. Bauden.

5 Q Did you --

6 A But not on the Kennedy assassination.

7 Q You didn't interview him for the articles that  
8 you wrote that were published in the JAMA on the Kennedy  
9 assassination?

10 A I did not.

11 Q Did you review the testimony provided to the  
12 House Select Committee on Assassinations by any of the  
13 doctors that you interviewed for your articles?

14 A Did I do what?

15 Q Did you review any of the testimony presented  
16 to the House Select Committee on Assassinations by any of  
17 the doctors that you interviewed for your articles that  
18 were published in JAMA?

19 MR. BABCOCK: Object to the form of the  
20 question, assumes facts not in evidence.

21 THE WITNESS: Briefly I also interviewed  
22 Dr. Rose, who was a member of that committee and a member  
23 of Dr. Bauden's committee.

24 MR. KIZZIA: I object to the answer as  
25 being nonresponsive. Can you read the question back to

1 me.

2 (Requested material read.)

3 THE WITNESS: I believe I read snippets of  
4 the testimony.

5 BY MR. KIZZIA:

6 Q Where did you find these snippets?

7 A I believe some were shown to me by Dr. Finck at  
8 the time I interviewed him. Some were summarized by  
9 Dr. Bauden in his book. Some were shown to me by Dr. Rose  
10 during that interview.

11 Q But you did not go to the primary original  
12 source to review the testimony yourself?

13 A I did not read the entire House Select  
14 Committee on Assassination testimony, no.

15 Q Did you read any of it?

16 A I read the conclusion of the forensic panel,  
17 which supported the autopsy.

18 Q Are you saying -- so your answer is no, you did  
19 not read the testimony of the medical people to the House  
20 Select Committee on Assassination?

21 A I said I read snippets of it.

22 Q But you got that from Dr. Finck, what he told  
23 you they testified to; is that right?

24 A I did not read the House Select Committee on  
25 Assassination report. What I did was go to the doctors

1           who were involved in the forensic -- forensic pathology  
2           part of that report and got their evaluations of what they  
3           had said in 1978 and what they said now.

4           Q       From your experience as a journalist -- by the  
5           way, would you call yourself an investigative journalist?

6                       MR. BABCOCK: Object to the form of the  
7           question.

8                       THE WITNESS: I call myself a journalist.

9           BY MR. KIZZIA:

10           Q       From your experience as a journalist, which do  
11           you find to be more reliable, sworn testimony presented  
12           under oath at or near an event or a person's unsworn  
13           discussion regarding an event some 29 years after it  
14           happened?

15                       A       It depends.

16           Q       Depends on what?

17                       A       It depends on a lot of variables, you know,  
18           whether their sworn testimony is reported in context or  
19           out of context or in full or not full.

20           Q       Does it depend on anything else?

21                       A       I suppose it depends essentially of the  
22           integrity of the person you're talking to and how much  
23           credibility you put on what he's telling you and how much  
24           it can be corroborated and verified with outside sources.

25           Q       So you don't think that even honest, credible

1 people's memories fade with regard to details?

2 MR. BABCOCK: Object to the form of the  
3 question. That's pure speculation.

4 BY MR. KIZZIA:

5 Q Can you answer the question?

6 A I think memory is different. It varies with  
7 different people.

8 Q You said that you were interested in what  
9 Dr. Bauden had to say; is that right?

10 A In his book.

11 Q Oh, I thought you said that you went and read  
12 his testimony before the House Select Committee on  
13 Assassination.

14 A I was aware of -- I said most of what -- most  
15 of his testimony, my understanding of most of his  
16 testimony. Actually, his chair of the forensic panel, I  
17 obtained from his book, just by reading his book.

18 Q Oh, a secondary source, not a primary source.

19 MR. BABCOCK: Objection to the form of the  
20 question.

21 BY MR. KIZZIA:

22 Q Well, would you describe somebody's book which  
23 may reflect something that they testified to the House  
24 Select Committee on Assassination to be a secondary source  
25 as opposed to the actual testimony itself?

1 MR. BABCOCK: I object to the form of the  
2 question.

3 BY MR. KIZZIA:

4 Q Can you answer the question?

5 A We could have a mini dissertation on being a  
6 secondary and so on. I mean, Bauden was a important  
7 source in the sense that he chaired the nine pathologist  
8 forensic panel that advised the House Select Committee on  
9 Assassination. So in that sense, he was a important  
10 source. He was a secondary source in the sense that he  
11 was not present at the autopsy in 1963. So there you have  
12 it. He reviewed the evidence 15 years after the fact.

13 MR. BABCOCK: Okay. That's fine. There's  
14 no question pending.

15 BY MR. KIZZIA:

16 Q Is it your testimony that the House Select  
17 Committee on Assassinations was supportive of the autopsy  
18 that Dr. Humes and Dr. Boswell and Dr. Finck were involved  
19 in?

20 A As to the conclusions, absolutely. As to the  
21 cause of death, absolutely.

22 Q Were they consistent in all respects?

23 A They were not.

24 Q As a matter of fact, the House Select Committee  
25 on Assassinations was very critical of the autopsy, wasn't

1 it?

2 A I believe Dr. Bauden called it the exemplar of  
3 the bungled autopsy. And in the next paragraph, he said  
4 that they got the most important thing right, two bullets  
5 from the rear.

6 Q Do you agree with Dr. Bauden, that the autopsy  
7 was bungled?

8 MR. BABCOCK: Now, what does that  
9 have to do with anything in this lawsuit? I mean, that  
10 really doesn't have anything to do, and I don't think it's  
11 fair to make this man comment in that fashion.

12 BY MR. KIZZIA:

13 Q Well, you didn't say that in your article,  
14 anything about Dr. Bauden, did you?

15 A Well, sure. Dr. Bauden -- in fact, bungled  
16 autopsy is mentioned. And Humes says -- in fact, I think  
17 the quote is, Humes says, Imagine that, as dumb as we are,  
18 we got it right.

19 Q Well, the House Select Committee on  
20 Assassinations report included a list of criticisms of the  
21 autopsy, didn't it?

22 A It can be said that the forensic panel of the  
23 House Select Committee found deficiencies in the autopsy  
24 but supported the conclusion, which is all the JAMA  
25 articles were concerned with.



1           Q     The House Select Committee on Assassinations  
2           concluded that the fatal wound to President Kennedy's head  
3           was in a different location than that concluded at the  
4           autopsy, didn't they?

5           A     So what? They concluded --

6                     MR. BABCOCK: Now, wait a minute.

7                     THE WITNESS: -- two bullets from the  
8           rear.

9                     MR. BABCOCK: I must say that this seems  
10          to be running awfully far afield of the issues in the  
11          libel case. And as I said before, it's your deposition,  
12          but -- but if we don't get done today, we're going to have  
13          a strong objection of continuing any further.

14         BY MR. KIZZIA:

15           Q     Can you answer the question? Isn't it true  
16          that the House Select Committee on Assassinations  
17          concluded that the location of the fatal head wound was  
18          different from the location that was contained in the  
19          autopsy report?

20           A     That was their opinion, that it was, I believe,  
21          higher than the original autopsy diagram. Now, who is  
22          correct, I'm not sure. But in any event, it does not --  
23          the important thing is that the bullet came from the rear.

24                     MR. BABCOCK: Just answer his questions.

25                     THE WITNESS: They disagreed with the

1 entrance wound, the exact location of the entrance wound  
2 but not the direction.

3 BY MR. KIZZIA:

4 Q Did you think it was important as to the  
5 location of the wound in the head, the determination of  
6 that?

7 A I thought it was not important in terms of  
8 determining the cause of death, which was the point of our  
9 investigation.

10 Q The point of whose investigation?

11 A The JAMA investigation.

12 Q That was the point?

13 A Well, that was the -- one of the conclusions we  
14 found was that the President was killed by a shot fired  
15 from above and behind. Now, whether that bullet hit  
16 slightly above the external occipital protuberance or well  
17 above is really not that germane.

18 MR. KIZZIA: I object to your answer as  
19 being nonresponsive.

20 BY MR. KIZZIA:

21 Q Did you go to any of the primary sources sited  
22 by Dr. Nichols in his article that's marked as  
23 Exhibit 3-SSS?

24 A Primary sources for who? You mean for his  
25 article?

1 Q Yes.

2 A Well, that's a primary source of his article.

3 MR. BABCOCK: Just answer the question.  
4 Did you look at any of these things, any of the  
5 references?

6 THE WITNESS: Any of these references?  
7 Well, I had seen Finck's testimony in '69 or a newspaper  
8 rendition of the same. And I believe Lattimer's statement  
9 is right here. So I've seen those two.

10 I've seen the Ramsey Clark panel, which we've  
11 been over. And I've seen the conclusions of the  
12 President's Commission. So that's four of the eight or  
13 nine.

14 BY MR. KIZZIA:

15 Q Did you review Dr. Nichols' testimony at the  
16 Clay Shaw trial in New Orleans?

17 A I did not.

18 Q When was the Medline search done for you that's  
19 shown in Exhibit 3-RRR?

20 A I don't recall.

21 Q Do you recall whether or not it was before or  
22 after you wrote your articles?

23 A I believe it was before.

24 Q What makes you say it was before?

25 A Well, because I looked at it before I wrote the

1 articles.

2 (Deposition Exhibit No. 3-TTT marked.)

3 BY MR. KIZZIA:

4 Q Let me show you what I've had marked for  
5 identification purposes as Exhibit 3-TTT. Can you  
6 identify that document.

7 A Uh-huh. This is a paper written by Dr. John T.  
8 Lattimer called, Observations Based on a Review of the  
9 Autopsy Photographs, X-rays, and Related Materials of the  
10 Late President John F. Kennedy.

11 Q How did you come into possession of that  
12 document?

13 A From the AMA library search.

14 Q When did you come into possession of that  
15 document?

16 A At the same time I came into possession of the  
17 last document you asked me about. They all came together.

18 Q They all came together. What do you mean?

19 A This came with --

20 Q Are you pointing at Exhibit 3-RRR?

21 A Yeah, 3-RRR came with the one I think we just  
22 went over, which was Nichols. Now we got Lattimer. And I  
23 think there's a whole batch of them coming up here. All  
24 of these papers came in one big batch from the AMA  
25 library.

1           Q     Are you saying that all of the documents that  
2           have the label on there to indicate that they came from  
3           the Division of Library and Information Management of the  
4           American Medical Association came to you all at one time?

5           A     That's all from confirmation, right.

6           Q     Is that right? But you don't remember when  
7           they came to you?

8           A     It came to me, I think, before I -- we did the  
9           interviews with Humes and Boswell.

10          Q     What makes you say that?

11          A     Well, because common sense tells me that's  
12          probably when I would have tried to add them.

13          Q     Do see any highlighting or notes on Exhibit  
14          3-SSS or -- let me see. It's Exhibit 3-TTT.

15          A     There's no highlighting, no.

16          Q     Did you review that article?

17          A     I did review it, skim it.

18    (Deposition Exhibit No. 3-UUU marked.)

19          BY MR. KIZZIA:

20          Q     Let me show you what I've had marked for  
21          identification purposes as Exhibit 3-UUU. Can you  
22          identify that document.

23          A     This document, and I think the next 15 you're  
24          going to go through, all came in one batch from the AMA  
25          library as part of the library search I requested. I got

1 a phone call and they said your documents are ready. I  
2 went up and I picked them all up in one big batch.

3 Q Well, Exhibit 3-UUU is a two-page document  
4 written by Richard --

5 A Right.

6 Q -- Suinn, S-u-i-n-n. Do you know who that is?

7 A I have no clue. In fact, if I might comment --

8 MR. BABCOCK: No, you may not comment.  
9 You don't know who he is. If he wants you to comment,  
10 he'll ask you. In fact, that may be the next question.  
11 Do you care to comment?

12 BY MR. KIZZIA:

13 Q Do you want to comment about that?

14 A Well, I mean, the title here, Guilt and Depth  
15 of Reaction to the Death of the President, which I believe  
16 was written by a psychiatrist, which is what he purports  
17 to believe, how the nation's psyche was wounded by the - I  
18 mean, this is exactly the type of article that was of  
19 minimal usefulness for me in going to the primary  
20 eyewitness testimony to try to figure out, you know, what  
21 caused the death of President Kennedy.

22 (Deposition Exhibit No. 3-VVV marked.)

23 BY MR. KIZZIA:

24 Q Let me show you a document that I have marked  
25 for identification purposes as Exhibit 3-VVV. Do you

1 recognize that document?

2 A I don't recognize it.

3 Q It's dated March 26th, 1992.

4 A March 26th, '92. It apparently comes from the  
5 AMA library.

6 Q Do you recognize the handwriting?

7 A I don't.

8 Q Do you recognize the signature?

9 A It's either Lonnie or Laurie.

10 Q Do you know who that is?

11 A Someone in the AMA library, I guess. But that  
12 answers the question of when it came, March 26th.

13 Q What answers the question when they came?

14 A When I received all these documents.

15 Q Exhibit 3-VVV was a cover page to all the  
16 documents that you received?

17 A Well, I don't know if it was a cover page, but  
18 it was included with them saying, here are the articles of  
19 interest on the autopsy as discussed. We always stand  
20 ready to serve you and, you know, blah, blah, blah.  
21 3-26-92. The interview was done in April.

22 (Deposition Exhibit No. 3-WWW marked.)

23 BY MR. KIZZIA:

24 Q Let me show you what I've had marked for  
25 identification purposes as Exhibit 3-WWW. Do you

1 recognize that document?

2 A This is another AMA -- as all of these are --  
3 from the AMA library search. This appears to be a Xerox  
4 of the New York Times index with references to President  
5 John F. Kennedy with the understanding that if I have any  
6 particular interest in these articles, I can try to track  
7 them down or ask someone to track down them.

8 Q Did you ask for any additional articles or  
9 documents to be provided to you after --

10 A I did not.

11 MR. BABCOCK: Let him finish his question.

12 BY MR. KIZZIA:

13 Q Did you review --

14 A I skimmed it, sure.

15 MR. BABCOCK: Dennis, Dennis, let him  
16 finish. I told you not to cut him off.

17 (Deposition Exhibit Nos. 3-XXX through  
18 3-NNNN marked.)

19 BY MR. KIZZIA:

20 Q Let me show you what I've had marked for  
21 identification purposes as Exhibits 3-XXX, Y, Z, and  
22 3-AAAA, B, C, D, E, F, G, H, I, J, K, L, M and N.

23 Are these copies of additional articles that  
24 were obtained for you in that search done by employees of  
25 AMA that are mentioned in Exhibit 3-RRR?



1           A     I believe they are.

2           Q     And did you read all these articles?

3           A     I believe I skimmed them all, as I said on  
4 several occasions. I skimmed the titles, including the  
5 abstract if there was one.

6           Q     Do you see any notes or handwriting or  
7 highlighting done on any of these articles?

8           A     I do not. And may I explain why?

9                     MR. BABCOCK: No. That will be the next  
10 question since you volunteered with that, but not right  
11 now.

12                    THE WITNESS: Okay.

13 BY MR. KIZZIA:

14           Q     Do you have an explanation?

15           A     Well, you know, Mr. Kizzia, I think you may  
16 fail to understand what it is we set out to do here  
17 journalistically. I did not set out to read everything in  
18 the literatures and write a regurgitation of what was in  
19 the literature.

20                    I set out to interview the physicians who did  
21 the emergency care and did the autopsy and to record their  
22 contemporaneous 1992 evaluations of what happened and what  
23 did not happen and so report it, and in this public  
24 controversy that there was and is a role to hear from  
25 these people. And it was not to reargue the literature

1 that goes back 15, 20 years.

2 Q I don't see how that explains why you didn't  
3 make highlighting or notes in the articles that you said  
4 you skimmed. Can you explain that further?

5 A There was nothing to highlight for the  
6 purpose -- the purpose was not to read this and then go  
7 back -- go and waste these people's time with saying some  
8 psychiatrist speculated in 1964 that the nation had an  
9 edible complex and President Kennedy was assassinated.

10 That wasn't the point of what we were doing.  
11 This whole exercise could have been skipped and the value  
12 of the articles would not have been severely, if,  
13 diminished, at all.

14 Q When you said that you sought to obtain  
15 contemporaneous statements, you're talking about  
16 contemporaneous to your -- the times of your interviews;  
17 not contemporaneous to the event or the assassination?

18 A Well, both. These people are alive and well in  
19 1992. They've certainly retained some memory of 1963.  
20 They're not unaware of everything that's happened and the  
21 multitude of conspiracy theories. So the point was to get  
22 the people who indisputably were there, who have thought  
23 about this over the years, and that are willing -- to the  
24 degree they were willing to address it in 1992, to get  
25 their viewpoints on the Kennedy assassination. That was

1 the sum and substance of the effort and the  
2 accomplishment.

3 MR. KIZZIA: Objection, nonresponsive.

4 BY MR. KIZZIA:

5 Q I was just trying to obtain an explanation from  
6 you what you meant by contemporaneous.

7 A 1992.

8 (Deposition Exhibit No. 3-0000 marked.)

9 BY MR. KIZZIA:

10 Q All right. Let me show you what's been marked  
11 for identification purposes as Exhibit 3-0000. Can you  
12 identify that document?

13 A This is an article published in the Texas State  
14 Journal of Medicine in January 1964 titled Three Patients  
15 at Parkland.

16 Q How did you come into possession of that  
17 document?

18 A It was either one of two ways. I'm not sure  
19 which. It either came from the AMA library or it came at  
20 the time I interviewed Drs. Jenkins and the others in  
21 Texas, at which case they gave it to me.

22 Q Do you remember which it was?

23 A I do not.

24 Q I noticed that Exhibit 3-0000 does not have the  
25 AMA library label on it like the other documents that we

1 just discussed.

2 A It does not, so that may be that I got it from  
3 Dr. Jenkins and the others. Or it may be that I called  
4 the Texas Medical Association and got it subsequently. I  
5 really can't recall.

6 I know that they mentioned -- I know that  
7 Drs. Jenkins, Baxter, and Carrico mentioned that there was  
8 such an article in the Texas State Journal. So either I  
9 called the Texas State Journal or I called the Texas  
10 Medical Association or Dr. Jenkins had a copy and Xeroxed  
11 it.

12 Q Then you did not have a copy of the article  
13 marked as Exhibit 3-0000 at the time that you met with  
14 Drs. Boswell and Humes; is that right?

15 A I did not.

16 Q And you did not have it in advance of your  
17 meeting with Drs. Jenkins, Baxter, and Carrico; is that  
18 right?

19 A I did not.

20 Q Now, on Exhibit 3-0000 -- well, first let me  
21 step back. Did you at some point in time read the article  
22 that's marked as Exhibit 3-0000?

23 A I read it, but apparently I failed to highlight  
24 it.

25 Q Did you read it before you wrote your articles?

1           A     I did.

2           Q     I noticed that on -- what's labeled as Page 65  
3 of Exhibit 3-0000, there's a handwritten word there. Do  
4 you see that?

5           A     Oh, I do recall that and that's interesting.  
6 Would you like me to discourse on this?

7           Q     Well, first, I'd like you to tell me if you  
8 recognize the handwriting.

9           A     I do.

10          Q     Whose handwriting is that?

11          A     Dr. Pepper Jenkins.

12          Q     How do you know that?

13          A     Because I recall the point of the two words.  
14 The handwriting is the word cerebrum, and he's underscored  
15 right next to it the word cerebellum.

16          Q     When did he do that?

17          A     He did that at the time of our interview.

18          Q     In 1992?

19          A     1992, April of 1992.

20          Q     He did that in your presence?

21          A     In my presence in his office.

22          Q     Okay. So the article that's marked as  
23 Exhibit 3-0000 indicates that Dallas doctors made that  
24 observation that the right cerebellum had protruded from  
25 the head wound; is that right?

1           A     They made an incorrect observation in '64 and  
2 he was correcting in 1992, which is one of those examples  
3 of ineptitude and honest mistakes that Earl Rose alluded  
4 to.

5                     And what Dr. Jenkins was saying -- and it was  
6 in my article -- was, you know, I made a mistake in '64.  
7 For some reason I thought it was the cerebellum and so  
8 wrote cerebellum, which has appeared in many conspiracy  
9 theories since. But it really was the cerebrum. And then  
10 he went on to explain why, which is in the article.

11           Q     When did Dr. Jenkins tell you that he came to  
12 the realization that he had made an error in describing  
13 the part of the brain that protruded from the head wound  
14 as the cerebellum as opposed to cerebrum?

15           A     When did he tell me that?

16           Q     No. Now, you already said he told you that in  
17 April of '92; is that right?

18           A     Right.

19           Q     When did he tell you that he supposedly came to  
20 this realization?

21           A     I can't recall. You know, sometime subsequent  
22 to the publication of this article.

23           Q     And when was that article published?

24           A     January of '64.

25           Q     Just a year -- two months after the

1           assassination?

2           A     Apparently.

3           Q     Did you go back and read Dr. Jenkins'  
4           statements to the very journal that you worked for in  
5           1978?

6           A     Statements to JAMA? What statements are you  
7           referring to?

8           Q     Well, who did you work for in 1978?

9           A     American Medical News.

10          Q     Did you know that Dr. Jenkins made statements  
11          to the American Medical News in 1978 while you worked  
12          there?

13          A     I'm not aware of that.

14          Q     I take it that you didn't do the interview. Is  
15          that correct?

16          A     I did not interview Dr. Jenkins in 1978.

17          Q     Do you know who did?

18          A     Actually, vaguely. This is a wild guess,  
19          but --

20                   MR. BABCOCK: Don't make wild guesses.

21                   MR. MCGRAW: I'm going to object on the  
22          grounds that --

23                   THE WITNESS: Brenda Stone, is that the  
24          name?

25                   MR. BABCOCK: Don't make any --

1 THE WITNESS: I'm pretty sure it's Brenda  
2 Stone.

3 BY MR. KIZZIA:

4 Q What makes you say that you think it was  
5 Brenda Stone who interviewed Dr. Jenkins in 1978?

6 A Because I have an excellent memory and for some  
7 reason, I just seem to remember that.

8 Q So you do remember that Dr. Jenkins was  
9 interviewed by the American Medical News, for whom you  
10 worked, in 1978?

11 A I recall that Brenda Stone did the story at  
12 Parkland Hospital. I don't recall Dr. Jenkins. I recall  
13 some kind of an anniversary story or something vaguely.

14 Q But you were not involved in that at all?

15 A I was not involved.

16 Q You hadn't taken an interest in the -- a  
17 particular interest in the case at that point?

18 MR. BABCOCK: Object to the form of the  
19 question, the case.

20 THE WITNESS: I did not have a particular  
21 interest in this case.

22 BY MR. KIZZIA:

23 Q Have you read the article that appeared in the  
24 American Medical News in 1978 that included an interview  
25 with Dr. Jenkins?



1           A     I don't believe I have. I did not read it as  
2 part of this series, did not read it as part of the  
3 interviews I did in 1992.

4           Q     Do you think that the American Medical News was  
5 authoritative?

6           A     It would depend on how Brenda Stone was in  
7 doing that particular story. It is all -- I mean,  
8 journalism is not revealed truth. You know, it is a piece  
9 of journalism, so it would depend on how accurate a job  
10 Brenda Stone did -- or the reporter did, who was Brenda  
11 Stone.

12          Q     What was Brenda Stone's job with the American  
13 Medical News in 1978?

14          A     She was a reporter.

15          Q     Was she a good reporter?

16          A     I am in no position to really evaluate that. I  
17 was not her editor.

18          Q     Did you work with her?

19          A     I worked -- I was a reporter along with her.

20          Q     And you had no opinion as to whether or not she  
21 was a qualified reporter?

22                   MR. BABCOCK: That question has been asked  
23 and answered. Go ahead.

24 BY MR. KIZZIA:

25          Q     You have no opinion?

1           A     I'm in no position to evaluate her reportorial  
2     work.

3           Q     Well, do you have an opinion?

4                     MR. BABCOCK: Which was his prior answer.

5                     THE WITNESS: I have no particular  
6     opinion.

7     BY MR. KIZZIA:

8           Q     Does she still work for the American Medical  
9     News?

10          A     She does not.

11          Q     When did she leave?

12          A     She left shortly after that article was  
13     published.

14          Q     So you knew that the journal that you worked  
15     for, the American Medical News, had done an interview of  
16     Dr. Jenkins, but you didn't go back and read it as part of  
17     your preparation for your interview with Dr. Jenkins?

18                     MR. BABCOCK: Object to the form of the  
19     question. That is a complete mischaracterization of what  
20     that man just said. He said he's just now recalled in  
21     light of your questions about it. He didn't say he knew  
22     it back then.

23                     THE WITNESS: Well, I was not aware of it  
24     at all in 1992 when I did my own JFK stories.

25     BY MR. KIZZIA:

1 Q When did you become aware of the fact that  
2 Brenda Stone had interviewed Dr. Jenkins in 1978?

3 A About six minutes ago or whenever you brought  
4 up the idea of AM News in '78 and something just  
5 triggered, you know, that there had been some type of an  
6 anniversary story.

7 Q Well, were you just learning of it for the  
8 first time when I asked you the question, or were you  
9 remembering it?

10 A Well, I was remembering that there was such an  
11 article in AM News back when I was at AM News, but it was  
12 nothing that I had thought about probably from 1978 to  
13 right now.

14 Q Do you know what Dr. Jenkins told Brenda Stone  
15 with regard to the head wound in 1978?

16 A I do --

17 MR. BABCOCK: Hold on. Object to the form  
18 of the question. He did not testify earlier that he even  
19 remembered Jenkins being a part of the story. Why don't  
20 you just show him the story.

21 MR. KIZZIA: I will. I just want to know  
22 if he remembers.

23 THE WITNESS: I don't recall that Jenkins  
24 was part of the story. I don't recall the story in any  
25 sense at all other than kind of the headline Parkland

1 whatever, that it was some kind of an anniversary story.

2 (Deposition Exhibit No. 6 marked.)

3 BY MR. KIZZIA:

4 Q So you don't know what Dr. Jenkins said in  
5 1978?

6 A I don't even know that Jenkins said anything.

7 Q Okay. Let me show what you I've had marked for  
8 identification purposes Exhibit No. 6.

9 A Okay.

10 Q Can you identify that?

11 A This is the -- appears to be AM News.

12 Q You're looking at the first page there and you  
13 already know it's AM News. How do you know that?

14 A Well, I recognize the headline type, the  
15 format. I mean, I worked for the paper for 23 years. You  
16 showed me the Chicago Tribune, you showed me a New York  
17 Times, a USA Today, and I would look at the format, the  
18 logo, and I would know what I'm looking at.

19 MR. BABCOCK: His answer was, it appears  
20 to be AM News.

21 MR. MCGRAW: And I would point out the  
22 record does reflect that for the last 15 minutes, he's  
23 been telling him it was a story of AM News.

24 THE WITNESS: It's AM News, yeah. Well,  
25 what is it that you're directing my attention to?

1 BY MR. KIZZIA:

2 Q You do recognize Exhibit 6, then, as a copy of  
3 an article that appeared in American Medical News?

4 A I just said as much.

5 Q Do you know when it appeared?

6 A I do not without seeing the exact date.  
7 September 24, '78 -- November 24. So it was an  
8 anniversary story, 15th anniversary.

9 Q On Page 2 of the article, do you see where  
10 Dr. Jenkins was interviewed?

11 A I do.

12 Q Do you see where Dr. Jenkins said with regard  
13 to the head wound that part of his head was blown away and  
14 part of his cerebral -- cerebellum was hanging out?

15 A It says, it really didn't show that he had part  
16 of his head blown away and part of his cerebellum was  
17 hanging out.

18 Q But it does mention cerebellum there?

19 A That's what it says.

20 Q And that would be consistent with what  
21 Dr. Jenkins apparently said in 1964?

22 A It would.

23 Q And inconsistent with what he told you in 1992?

24 A That's right.

25 Q But you -- is it your testimony that in 1992,

1 you were not aware of the fact that Dr. Jenkins was still  
2 saying in 1978 that the head wound involved cerebellum?

3 MR. BABCOCK: Objection to the form of the  
4 question. Because there is a newspaper article with a  
5 quotation that is -- a five-page article that you've taken  
6 out of context, it doesn't mean he said anything.

7 So I object to the form of the question. If  
8 you can possibly answer that question, go ahead.

9 THE WITNESS: I have forgotten the  
10 question. The question was what?

11 BY MR. KIZZIA:

12 Q Is it your testimony that in 1992, when you  
13 talked to Dr. Jenkins and when you wrote your articles,  
14 you were not aware or at least did not recall that  
15 Dr. Jenkins may have told the American Medical News, for  
16 whom you had previously worked in 1978, that the head  
17 wound involved the cerebellum?

18 MR. BABCOCK: Same objection.

19 THE WITNESS: In point of fact, it's my  
20 testimony that I was not aware of this cerebrum/cerebellum  
21 little side issue, sideshow whatsoever until Dr. Jenkins  
22 himself brought it up in April of 1992 to me face-to-face.  
23 And he brought it up in the context -- and we were talking  
24 about conspiracy theories and how things can be -- you  
25 know, mountains can be made out of mole hills.

1                   And he said, let me give you one little  
2                   example. Due to a mistake I made I once thought  
3                   cerebellum and blah, blah, blah, but it really was  
4                   cerebrum, boom, boom, boom. That's the first time I  
5                   really paid any attention to it. And that's what he said  
6                   in 1992.

7                   BY MR. KIZZIA:

8                   Q       Okay. In your conversation with Dr. Jenkins in  
9                   1992, I just want it to be clear. Was he telling you he  
10                  was misquoted, or was he telling you that previously he  
11                  had been wrong?

12                  MR. BABCOCK: Objection to the form of the  
13                  question. There's been no testimony about him being  
14                  quoted at all.

15                  BY MR. KIZZIA:

16                  Q       Well, I want to know what your understanding of  
17                  what Dr. Jenkins' explanation for this so-called  
18                  misunderstand was.

19                  MR. BABCOCK: Objection to the form of the  
20                  question.

21                  THE WITNESS: I really don't know. It's  
22                  my recollection that he had originally made an honest  
23                  mistake and he subsequently saw that he was in error. And  
24                  whether he was accurately quoted in regard to his mistake  
25                  or subsequently misquoted, I really don't recall.

1 BY MR. KIZZIA:

2 Q Did he tell you at one point -- at what point  
3 in time he changed his mind on whether or not the head  
4 wound involved the cerebellum or the cerebrum to you?

5 A He did not.

6 Q Did he tell you what caused him to change his  
7 mind?

8 A Do you have copy of my article here, in which  
9 case it might be in that article.

10 Q Do you recall at this time why he said he  
11 changed his mind?

12 A I don't recall without reference to the  
13 article.

14 Q I take it from your testimony you did not  
15 discuss the fact that some of the Dallas doctors had  
16 reported involvement of the cerebellum in the head wound  
17 with Drs. Humes and Boswell, since you were not aware of  
18 that issue at the time that you interviewed them?

19 A The what?

20 MR. BABCOCK: Object to the form of the  
21 question.

22 MR. KIZZIA: Can you read that, please.

23 (Requested material read.)

24 THE WITNESS: I don't think it was an  
25 issue, I mean, in terms of the overall finding of two



1           It's nonsense. It means nothing. That's why you have  
2           autopsies. There would have no need for an autopsy if  
3           McClelland or anybody else could have seen cerebellum,  
4           front, rear. That would have been the end of it, would it  
5           not? That's why we do autopsies.

6                       MR. KIZZIA: Objection, nonresponsive.

7                       MR. BABCOCK: That was pretty responsive.

8           BY MR. KIZZIA:

9                       Q       Did Dr. McClelland's description of the fatal  
10           head wound to you, as given to you, include the  
11           cerebellum?

12                      A       I do not recall Dr. McClelland saying  
13           cerebellum. What I recall Dr. McClelland saying was that  
14           he, quote, had a feeling. He just had a gut feeling that  
15           that shot came from the front. And I said, well, how so.  
16           And he said, well, that's just the way it looked to me.

17                      And I said, well, did you make any examinations  
18           to bolster or support that. And he said, no, I did not.  
19           I said, well, why do you believe that. He said, well, he  
20           believes it because he believes it. And that's what I  
21           reported. You know, I reported it. You know, I listened  
22           to the man, we reported what he said. I think in terms of  
23           value of the evidence, it means nothing.

24                      Q       What Dr. McClelland said?

25                      A       What Dr. McClelland said in terms of

1 determination of the cause of death is essentially  
2 irrelevant. He's a surgeon; he's not a pathologist.

3 Q Then would you agree that that applies to any  
4 of the doctors at Parkland Hospital?

5 A As I have now said at least 10 times on the  
6 record, those 30 minutes in Trauma Room One in Dallas were  
7 relatively unimportant to the determination of cause of  
8 death. None of these people were there to make  
9 forensic -- they're trying to save a life. They're not  
10 trying to make forensic determinations. So basically if  
11 you're comparing Dallas to Bethesda, yeah, Dallas meant  
12 nothing. The autopsy meant everything.

13 MR. KIZZIA: Objection, nonresponsive.

14 BY MR. KIZZIA:

15 Q My question to you is, in your opinion, did  
16 what Dallas doctors have to say with regard to the nature  
17 of the wounds and the potential direction of bullets --

18 A Well, you're talking to --

19 MR. BABCOCK: Wait, wait. Let him finish.

20 BY MR. KIZZIA:

21 Q All right. We'll take it one at a time.

22 A You have to divide the question. In regard to  
23 the nature of the wounds and trying to save the life, they  
24 meant everything, sure. If they could have his life,  
25 absolutely. The wounds, if they could have patched his

1 head back to together, that would have been very valuable.

2 But in terms of the cause of death, which is  
3 Point B, they were in no position and they did not  
4 attempt, nor could they, to make any forensic  
5 determinations.

6 Q And do you feel that way with regard to all of  
7 the doctors at Parkland?

8 MR. BABCOCK: What way?

9 THE WITNESS: That they could not make a  
10 forensic determination? Absolutely.

11 BY MR. KIZZIA:

12 Q Do you feel that what the Dallas doctor -- any  
13 of the Dallas doctors had to say with regard to the  
14 location of the wounds is relevant in determining the  
15 cause of President Kennedy's death?

16 A Essentially irrelevant. Any doctor in America  
17 you could have put in that room. There's nothing they  
18 could have seen with their naked eye that would mean much  
19 in terms of the forensic determination of death;  
20 otherwise, you would not need an autopsy.

21 Q Do you think that anything that any of the  
22 Dallas doctors had to say, with regard to the location of  
23 the wounds, is relevant to the determination of where the  
24 shots came from?

25 A Compared to the autopsy pathologist, no. They

1 didn't even turn the body over. They didn't even know the  
2 bullet hit him in the back. They were trying to save a  
3 life.

4 MR. KIZZIA: Objection, nonresponsive.

5 MR. BABCOCK: That's not nonresponsive.

6 THE WITNESS: I'd said no. The Dallas  
7 doctors had little, if anything, to do with the  
8 determination of cause of death, cummulatively,  
9 individually. And it was -- it was a function of the  
10 circumstances.

11 No physician in those 30 minutes could have  
12 made any forensic determination of death. It just didn't  
13 lend itself to that because of the bullet wounds and --

14 MR. BABCOCK: Okay. That's enough. Now,  
15 he's got another question forming, forming itself in his  
16 cerebellum.

17 BY MR. KIZZIA:

18 Q Do you think that that's --

19 THE WITNESS: That's libelous. You think  
20 with your cerebellum.

21 MR. KIZZIA: What can I say. It's  
22 privileged.

23 BY MR. KIZZIA:

24 Q Do you think that what any of the Dallas  
25 doctors or the doctors at Parkland have to say about

1 published, but is it my understanding that there are some  
2 articles that have been submitted but not published that  
3 have not been produced?

4 MR. BABCOCK: This witness would not have  
5 any in his possession, but JAMA has objected to producing  
6 unpublished articles.

7 BY MR. KIZZIA:

8 Q Okay. Mr. Breo, are you aware of any articles  
9 that have been submitted for publication by JAMA since  
10 January 1st, 1992 which refer or pertain to either the  
11 plaintiffs or the book, JFK: Conspiracy of Silence?

12 A Other than the ones we've discussed, you mean?

13 Q Other than the ones that have been produced.

14 A I'm not aware of any.

15 Q Are you aware of any such articles that were  
16 submitted for publication by JAMA but were not published?

17 A No, I'm not. No.

18 Q All right. Item Number 3 requests copies of  
19 letters to the editors submitted for publication by JAMA  
20 since January 1st, 1992 which refer or pertain to either  
21 plaintiff or to the book, JFK: Conspiracy of Silence.

22 Now, you have produced the copies of such  
23 letters that were published in JAMA; is that right?

24 A Uh-huh.

25 Q You need to answer out verbally.

1           A     Yes.

2           Q     But Item Number 4 requests letters that were  
3           submitted for publication which may not have been  
4           published by JAMA. Are you aware of any such letters?

5                   MR. BABCOCK: If you're aware of such  
6           letters, tell him. Tell him you're aware or not aware.

7                   THE WITNESS: I'm aware that -- I think we  
8           discussed earlier that some letters that were not  
9           published were submitted to me for possible responding to  
10          the letter writer, which I did not do.

11                   So, I mean, there are such letters that were  
12          submitted for publication that were not published.

13          BY MR. KIZZIA:

14           Q     Who did you say is responsible for those  
15          letters and making the determination as to whether or not  
16          to publish them?

17           A     Dr. Drummond Rennie.

18           Q     What about articles that have been submitted  
19          that have not been published? Who would be responsible  
20          for that?

21           A     Well, the entire enterprise, but essentially  
22          Dr. Lundberg is editor-in-chief. The entire process of  
23          peer review, manuscript review, and all the different JAMA  
24          staff members make those decisions. Peer reviewers.

25           Q     Well, let's talk a little bit about that

1 process. Say JAMA receives an article for publication.

2 What happens to it?

3 A You've got the wrong person. I have nothing to  
4 do with that part of the operation.

5 Q So you don't know?

6 A I have a vague idea of what happens, but I mean  
7 I'm not involved in it. I don't participate in it, you  
8 know.

9 Q Well, based upon what you know, can you give a  
10 real general description of what happens.

11 MR. BABCOCK: Well, are you talking about  
12 an outside article or an article generated by a reporter  
13 such as Mr. Breo?

14 MR. KIZZIA: I'm referring to an outside  
15 article, someone who submits an article --

16 THE WITNESS: Scientific article.

17 MR. KIZZIA: -- who is not an employee of  
18 JAMA.

19 MR. BABCOCK: And how that has anything to  
20 do with the libel case when you're suing two publishers, I  
21 don't know.

22 MR. WATLER: I'll join that.

23 THE WITNESS: I can certainly elaborate.  
24 You've read Kitzi our researcher, you've done research,  
25 you've got an article for JAMA you'd like to get

1 published, so you submit your article on the efficacy of  
2 highlighted articles versus unhighlighted articles to  
3 determine the value of journalism or whatever.

4 So you submit that article in to JAMA and it  
5 would be assigned to a JAMA editor. And then that editor  
6 would farm it out for peer review to people who are also  
7 interested in this particular area who are peers, so to  
8 speak.

9 BY MR. KIZZIA:

10 Q Is the peer review done by JAMA employees or  
11 representatives or outside professionals?

12 A Outside peers, professionals. People who are  
13 in equivalent positions in, you know, the research  
14 community or the professional community or whatnot.

15 Q Who makes the determination as to who does the  
16 peer review?

17 A It's done as a matter of course. It's done on  
18 all outside scientific submissions, of which I think  
19 something like 10 percent are accepted and 90 rejected. I  
20 mean, your article would go out and then in due time, it  
21 would come back with a peer reviewer's comments which  
22 would suggest amend, delete, improve, whatever.

23 Q My question is, who determines who are the peer  
24 reviewers for a particular article?

25 A I believe that's a combination of the editor to



1 whom it's assigned and then maybe input he or she might  
2 seek from other people on staff or outside staff or  
3 whatever.

4 The idea would be to get true peers who have  
5 something to offer. They would submit their comments. At  
6 some point, it would be brought up for a decision at a  
7 manuscript meeting. They would say we have this article  
8 by Kitzi, we have five reviewers, they split three to two  
9 on the value, what do we want to do. A decision would be  
10 made to publish or not publish. And that's essentially  
11 what happens.

12 Q How many peer reviewers are generally utilized?

13 A You know, you're talking to the wrong person.  
14 I can't emphasize that strongly enough. In fact, I really  
15 don't know. More than one.

16 Q Okay. Mr. Breo, at any time, if I ask you a  
17 question that you don't know, you feel free to say you  
18 don't know.

19 MR. BABCOCK: And --

20 THE WITNESS: In this whole area, I'm  
21 really not the one to address.

22 MR. BABCOCK: Let me tell you that you are  
23 surfing on these waters and, apparently, you're way off  
24 base on a couple of things. So be careful about what you  
25 speculate on.

1 THE WITNESS: It's not my area. I don't  
2 know.

3 MR. BABCOCK: Well, don't -- if you know  
4 something precisely, tell him. Don't tell him about  
5 things you just generally know.

6 THE WITNESS: Okay.

7 MR. BABCOCK: Because the problem is, see,  
8 that to the extent this is relevant to anything, you say  
9 something and then Lundberg says, you know, he's all wrong  
10 about that. Then they get a big --

11 THE WITNESS: I'm illiterate about the  
12 peer review process.

13 MR. BABCOCK: I'm told he's grossly  
14 illiterate.

15 BY MR. KIZZIA:

16 Q Did you say that there is a manuscript  
17 committee that gets together after the peer reviews are  
18 done, or how did you describe that?

19 A Well, there are regular manuscript meetings.

20 Q Manuscript meetings. Who attends the  
21 manuscript meetings?

22 A Whoever has -- I mean, I usually do not. In  
23 fact, I rarely attend them, so I really can't . . .

24 Q You don't know?

25 A I don't know.

1 Q Is there a different process for articles  
2 submitted by JAMA employees like yourself?

3 A Well, it's, you know, night and day. People  
4 like myself are --

5 MR. BABCOCK: The answer is yes.

6 THE WITNESS: Yes.

7 BY MR. KIZZIA:

8 Q How is the process different?

9 A Well, the journalists, the staff journalists on  
10 JAMA, just write articles that are reviewed by their  
11 editors and that's -- there is no outside review.

12 Q No peer review?

13 A No.

14 Q When you wrote your articles on the JFK  
15 assassination that were published in JAMA in 1992, did you  
16 type them yourself, did you dictate them, did you hand  
17 write them? What did you do?

18 A No, I wrote them myself on a little computer, a  
19 word processor. It's called A-TEXT.

20 Q Do you have any drafts of the articles?

21 A No.

22 Q What happened to the drafts?

23 MR. WATLER: Object to the form of the  
24 question.

25 MR. BABCOCK: Same objection. It assumes

1           there are drafts.

2                       MR. KIZZIA: He already said he had a  
3           draft.

4           BY MR. KIZZIA:

5                       Q     Are there any drafts in existence now of the  
6           articles?

7                       A     What do you mean by draft?

8                       Q     Well, we have the published -- copies of the  
9           published articles that you have presented. Are there any  
10          other versions of the articles, other than those published  
11          versions?

12                      A     Essentially, no.

13                      Q     Were there ever?

14                      A     No.

15                      Q     Does JAMA do its own printing?

16                      A     Its own printing? You mean do they -- does AMA  
17          have a printing press on premise?

18                      Q     Right.

19                      A     No.

20                      Q     What form -- what form were your articles in  
21          before they went to the printer?

22                      A     Well, they were in the form of an electronic  
23          queue by computer which would be printed out on a laser  
24          printer multiple times. And from there, it goes into the  
25          copy production apparatus, which I cannot begin to

1 describe because AMA publishes not only JAMA weekly but 10  
2 specialty journals.

3 MR. BABCOCK: He's not interested in that.  
4 Just answer --

5 THE WITNESS: Well, the only extent I know  
6 is it's in an electronic queue which I can print out on a  
7 laser printer. And that's the extent of my hands-on  
8 involvement with it.

9 BY MR. KIZZIA:

10 Q Who edited the articles that you wrote?

11 A The articles were reviewed by Drs. Glass and  
12 Lundberg.

13 Q Anybody else?

14 A Oh, yes. And various AMA legal staff.

15 Q Before publication?

16 A Before publication.

17 Q Who on the AMA legal staff?

18 A I'm not sure who all had access to it.

19 Q Is that standard procedure, that someone on the  
20 AMA legal staff reviews articles written by AMA employees  
21 for publication in JAMA before they're published?

22 A On stories involving a public controversy of  
23 this type, it's standard procedure.

24 Q Can you give me some other examples of where  
25 that was done?

1 MR. BABCOCK: No, he can't. I won't let  
2 him. I won't let him talk about other legal cases unless  
3 he's got another matter.

4 MR. KIZZIA: Oh, no, no. I'm talking  
5 about just subjects that JAMA wrote about where legal  
6 staff reviewed the articles before they were published.

7 MR. BABCOCK: And it's privileged --

8 MR. KIZZIA: What privilege?

9 MR. BABCOCK: The attorney/client  
10 privilege.

11 MR. KIZZIA: Are you instructing him not  
12 to answer?

13 MR. BABCOCK: Yes.

14 BY MR. KIZZIA:

15 Q Let me ask you this: Do you know of any other  
16 articles that were submitted to AMA legal for review for  
17 publication?

18 MR. BABCOCK: You can answer that  
19 question.

20 THE WITNESS: Do you mean that I've  
21 written or generally?

22 BY MR. KIZZIA:

23 Q Well, first of all, do you know of any other  
24 articles that were submitted to AMA legal for review  
25 before publication?

1           A     Absolutely.

2           Q     Were any of those articles, articles that you  
3 wrote?

4           A     Many.

5           Q     Would you say that more often than not articles  
6 that you write are submitted to AMA legal for review  
7 before publication?

8           A     Absolutely not. The vast majority, there's no  
9 need to go through legal . . .

10          Q     What was it about these particular articles  
11 that warranted legal review prior to publication?

12                   MR. BABCOCK: The question has been asked  
13 and answered.

14                   MR. WATLER: It calls for speculation.

15 BY MR. KIZZIA:

16          Q     Do you know what it was about these particular  
17 articles that you wrote that required legal review before  
18 publication?

19                   MR. BABCOCK: Again, the question has been  
20 asked and answered, but you can go ahead and answer again.

21                   THE WITNESS: Well, I mean, nothing beyond  
22 the obvious. It's a public controversy.

23 BY MR. KIZZIA:

24          Q     You can't be any more specific than that?

25          A     I think that's fairly specific.

1 Q Were you directed to submit the articles to AMA  
2 legal for review before publication?

3 A There's no need for that. I think common  
4 sense -- well, you know, just -- it was -- we just  
5 submitted them for legal.

6 Q When you say we, who do you mean?

7 A Myself, Dr. Glass, Dr. Lundberg

8 Q Were all three articles that you wrote about  
9 the JFK assassination that were published in JAMA in 1992  
10 submitted to AMA legal for review prior to publication?

11 A Yes.

12 Q You said that Dr. Glass reviewed the articles  
13 before they were published; is that right?

14 A Uh-huh.

15 Q You need to answer out loud.

16 A Yes.

17 Q Did he just look at them on a computer screen,  
18 or did he have a document in his hand to look at?

19 A He had the document, the paper in his hand, the  
20 printout.

21 Q What happened to that printout?

22 A Well, it would have been --

23 MR. BABCOCK: No. Do you know what  
24 happened to the printout? Do you know what he did with  
25 that?



1 THE WITNESS: I believe it was returned to  
2 me with whatever comments he had.

3 BY MR. KIZZIA:

4 Q Did he have comments?

5 A As I recall, minimal.

6 Q What happened to the printout of your draft  
7 articles with Dr. Glass' comments?

8 A What happened to it?

9 Q Yes.

10 A Well, it was discarded once they were absorbed  
11 and integrated into the text of the article.

12 Q Were these handwritten comments?

13 A They would have been handwritten comments on  
14 the story itself.

15 Q How many printouts did you obtain back from Dr.  
16 Glass that had his suggested -- or his comments or  
17 suggestions?

18 A One printout of the story.

19 Q How about Dr. Lundberg? Did he --

20 A The same.

21 Q Did he return to you a different version of the  
22 printout with his own comments and suggestions?

23 A He returned the -- you know, the additional  
24 copy of the printout with his handwritten comments,  
25 suggestions.

1           Q     And this was different from the one that you  
2 got from Dr. Glass with his revisions?

3           A     Two separate things, yes.

4           Q     What happened to the version of the article  
5 that you got back from Dr. Lundberg with his comments and  
6 suggestions?

7           A     It was discarded once I integrated the comments  
8 into the story.

9           Q     Did Dr. Glass suggest any revisions to the  
10 article as you originally drafted it?

11          A     None that I recall.

12          Q     Well, what were his comments and suggestions  
13 about it?

14          A     Minimal.

15          Q     Can you remember anything?

16          A     The only thing that sticks in my mind was  
17 the -- Dr. Humes, who speaks in a very colorful speech,  
18 said something like there was no doubt from whence cometh  
19 those bullets from rear to front. And Dr. Glass' comment  
20 was, did he really say it exactly that way. I said, yes,  
21 he did.

22          Q     Anything else that you can remember?

23          A     Nothing.

24          Q     What about Dr. Lundberg, did he suggest any  
25 revisions to the articles as you originally drafted it?

1           A     Very few.  None that I could specifically  
2 recall.  Dr. Lundberg tends to catch a lot of typos and  
3 missed words.  You know, little things of that nature.

4           Q     Were his comments in his own handwriting also?

5           A     Yes.

6           Q     Did anyone else review your articles and  
7 provide you with any suggested revisions or other  
8 comments?

9           A     The only other review copy went to AMA legal.

10          Q     I'm not asking you what AMA legal told you, but  
11 did you receive back from them comments or suggestions or  
12 revisions?

13          A     None -- I mean no revisions, no handwritten  
14 notations and . . .

15          Q     Did you receive back from AMA legal the  
16 printout that you sent to them?

17          A     I don't recall if I did or not, or if I just  
18 got a verbal, you know, okay, everything's okay.

19          Q     Item Number 6 of Exhibit A requested production  
20 of letters, memos, drafts, redrafts, editorial and/or peer  
21 review comments, notes, and other written or tangible  
22 items that pertain or refer to your articles and which  
23 were generated prior to the time of publication.

24                   Do I understand your testimony to be that there  
25 are no such records, documents at this time?

1           A     Yes.

2           Q     Were there any such notes, drafts, and other  
3 records and documents at any time after the articles were  
4 published, or were they all discarded prior to  
5 publication?

6           A     Well, there were whatever there were, and there  
7 weren't that many in this particular Question 6. It would  
8 have been discarded as part of the process leading up to  
9 publication.

10          Q     Okay. That was my question. Was there  
11 anything like that discarded after publication?

12          A     Letters, memos, drafts, redrafts, editorial,  
13 peer review comments, no.

14          Q     All of those such records were discarded prior  
15 to publication?

16          A     Right.

17          Q     I'll refer you to Item Number 12 on Exhibit A.  
18 Are you aware of any -- of the existence of any manuals,  
19 notebooks, memoranda or other documentations setting forth  
20 the policies, guidelines, safeguards and/or procedures in  
21 effect in May and June of 1992 to be followed and applied  
22 or considered by editors for JAMA?

23          A     There are none.

24          Q     All right. Look at Item Number 13. It  
25 requests the same type of documentation except that it

1           refers to policies, guidelines, documentations or  
2           procedures in effect in May and June 1992 to be followed,  
3           applied or considered by writers for JAMA.

4           A        There were none.

5                   MR. BABCOCK: Let me just say there may be  
6           a manual of style but nothing that reflects the matters  
7           that you've talked about in Number 13.

8           BY MR. KIZZIA:

9           Q        Are there any published guidelines in that  
10          regard that you're aware of other than JAMA? You've  
11          already said that JAMA doesn't have anything like that,  
12          but I'm just talking about generally published books or  
13          other written documentation of guidelines, safeguards,  
14          procedures that writers and editors may follow?

15          A        No.

16          Q        Is there any type of published code of ethics  
17          for journalists that you're aware of?

18          A        No.

19          Q        Look at Item Number 15. Have you made any  
20          speeches or written any other articles about the JFK case?

21          A        Have I given any speeches?

22          Q        Well, that's part of my question, yeah.

23          A        I made remarks at the press conference on  
24          May 19th, 1992.

25          Q        That reminds me. Did you have a text or notes

1 with regards to your remarks like Dr. Lundberg did?

2 A I had a brief text, about three-quarters of a  
3 page, now discarded, of which I could almost commit to  
4 memory, but -- I had a brief text. It was four or five  
5 paragraphs.

6 Q Who prepared that?

7 A I did.

8 Q Did anybody have input in that?

9 A I believe I showed it to Dr. Lundberg.

10 Q Before the press conference?

11 A Yeah.

12 Q And did he have any suggested revisions or  
13 changes to the remarks that you were going to make?

14 A He thought it was wonderful.

15 Q He thought it was wonderful? Is that what he  
16 said to you?

17 A Words to that effect.

18 Q And you said that you discarded those written  
19 remarks?

20 A I did.

21 Q Do you know whether or not anybody else has a  
22 copy of those written remarks?

23 A I do not know.

24 Q Were those typed on a computer?

25 A They were typed on my computer.

1 Q Is it still retrievable?

2 A No.

3 Q On the prior versions of your -- or your drafts  
4 of the articles, are they retrievable from your computer?

5 MR. BABCOCK: Object to the form of the  
6 question.

7 THE WITNESS: There were no prior drafts.

8 BY MR. KIZZIA:

9 Q Well, you said you received comments,  
10 suggestions or revisions from Dr. Glass and Dr. Lundberg  
11 which were incorporated in your articles.

12 A I don't consider that a draft or a redraft.

13 Q Okay. Well, whatever you consider it, can you  
14 retrieve --

15 A No.

16 Q -- the prior versions of your articles before  
17 the suggestions, corrections or revisions of Drs. Glass  
18 and Lundberg were incorporated?

19 A I cannot.

20 Q Other than the remarks you made at the press  
21 conference on May 19th, 1992, have you made any other  
22 speeches or public remarks pertaining to your articles or  
23 the JFK assassination?

24 A None other than what I've delivered today.

25 Q You mean your deposition testimony?

1           A     Yeah, right.

2           Q     I understand that Dr. Lundberg has made some  
3     appearances on national TV, radio, and the like. Is that  
4     your understanding?

5           A     I believe he made a few.

6           Q     Did you accompany him on any of those  
7     appearances?

8           A     What do you mean by accompany?

9           Q     Did you go with him?

10          A     Do you mean was I on camera?

11          Q     Well, let's take it one at a time. Were you  
12     physically present on or off camera at any of the  
13     appearances by Dr. Lundberg about the JAMA articles on the  
14     JFK assassination?

15          A     The day of the press conference, the evening of  
16     the press conference, I accompanied him and some AMA PR  
17     staff on a -- to a -- on a TV -- to the studios, to a TV  
18     studio for an appearance or two. I think I even did one  
19     or two the following morning. And that was the extent of  
20     it.

21          Q     Did you appear on camera?

22          A     I did not.

23          Q     Why did you go?

24          A     Well, I went because I was in town and for my  
25     own, you know, enlightenment. You know, as a logical



1 follow-up to the press conference.

2 Q Where did these appearances take place that you  
3 went to?

4 A I can't recall specifically. I think there was  
5 McNeil-Lehrer, and I think there was Cable NBC. I think  
6 that was the night of the press conference. And I think  
7 the following morning was Good Morning America and CBS,  
8 whatever they call their morning talk show. That was the  
9 extent of it.

10 Q This was all in New York City?

11 A Yes.

12 Q You have seen the videotapes of those  
13 presentations?

14 A I've seen some. I've seen McNeil-Lehrer, and I  
15 think I saw Good Morning America, CBS. I think I've seen  
16 most of them.

17 Q Who has possession of those videotapes?

18 A I don't know who has them now. I know that the  
19 time I saw them the AMA television/radio had the  
20 videotapes.

21 Q All right. Look at Item Number 16 on  
22 Exhibit A. That's part of Deposition Exhibit No. 1.

23 A Uh-huh.

24 Q It requests copies of documents, notes,  
25 memorandas, statements, tape recorders or transcripts that

1 were generated or relied upon by Mr. Breo in connection  
2 with the articles that he wrote and which were published  
3 in JAMA on May 27th, 1992.

4 Have you produced as part of Exhibit 3, and  
5 with addition of Exhibit 5, all of the records and  
6 documents that would be responsive to that request?

7 A I have.

8 Q Are there any other documents, notes,  
9 memoranda, statements, tape recordings or transcripts that  
10 were generated or relied upon by you in connection with  
11 the third article that you wrote about your interview with  
12 Dr. Finck sometime thereafter?

13 MR. BABCOCK: We may have something on  
14 that. I think that was in the scope of the -- of your  
15 request.

16 BY MR. KIZZIA:

17 Q What types of other -- what types of records or  
18 documents would you or do you have that pertains to that  
19 third interview or article?

20 A It would be similar -- it would be some of the  
21 same materials I had before I interviewed Humes and  
22 Boswell I also took with me to Switzerland to interview  
23 Finck. And I believe in addition, I had some Freedom of  
24 Information material in regard to Finck's testimony before  
25 the House Select Committee in '78 and a memo he wrote in

1 '64 or '65 to his commanding officer of the Armed Forces  
2 Institute of Pathology.

3 There was a batch of maybe 50 pages of Freedom  
4 of Information material in regard to Finck's previous  
5 privileged comments on the assassination. And that was  
6 essentially it, other than correspondence with Finck and  
7 so on.

8 Q Where did you obtain that additional  
9 documentation that you referred to that you took with you  
10 to your interview with Dr. Finck?

11 A I believe it was from the Armed Forces  
12 Institute of Pathology.

13 Q Did you obtain them from anybody in particular  
14 up there?

15 A I can't recall. It's in -- you'll get it.  
16 It's in the file that I --

17 MR. BABCOCK: He may get it.

18 THE WITNESS: You may get it.

19 BY MR. KIZZIA:

20 Q Did you personally obtain them from -- obtain  
21 that documentation, or did someone send it to you?

22 A Well, yeah, it was sent to me, but I personally  
23 made the effort to have it sent to me.

24 Q Who sent it to you?

25 A I can't recall the man's name. It was someone

1 who worked in the record section of the Armed Forces  
2 Institute of Pathology.

3 Q Okay. You said that you had a copy of a memo  
4 that Dr. Finck sent to his commanding officer?

5 A Yes.

6 Q What was his commanding officer's name?

7 A I think it was Blumberg, General Blumberg.

8 MR. BABCOCK: Just a question. Is the  
9 October 7, 1992 article regarding Dr. Finck part of the --  
10 are you claiming that's defamatory, your clients?

11 I mean, is that in the lawsuit, is what I'm  
12 getting at? You didn't ask for documents about it before.  
13 I'm just wondering if it's in the lawsuit now.

14 MR. KIZZIA: I don't know that we're  
15 necessarily claiming that that particular article standing  
16 alone is defamatory, but I believe Mr. Breo said he  
17 considered them to be a series of articles. Is that  
18 right?

19 THE WITNESS: Well, I mean, there were  
20 three articles published in 1992.

21 MR. BABCOCK: Sounds published to me,  
22 so --

23 (Deposition Exhibit No. 7 marked.)

24 BY MR. KIZZIA:

25 Q Let me show you what I've had marked for

1 identification purposes as Exhibit No. 7. Is that a copy  
2 of the documentation from the House Select Committee on --

3 A Right. Yeah, that's --

4 MR. BABCOCK: Wait a minute, wait a  
5 minute.

6 BY MR. KIZZIA:

7 Q Is that a copy of the House Select Committee on  
8 the assassination documentation pertaining to the letter  
9 or memoranda to -- or memorandum to Dr. -- to Boswell from  
10 Dr. Finck -- or Blumberg, rather, from Dr. Finck? Let me  
11 just restate that question. It was so inartfully worded.

12 MR. WATLER: Stipulated.

13 BY MR. KIZZIA:

14 Q Does Exhibit No. 7 reflect the memorandum or  
15 letter that you were referring to from Dr. Finck from his  
16 commanding officer, Blumberg?

17 A This Exhibit -- is it Exhibit No. 7 -- appears  
18 to mention the memo of Dr. Finck sent to General Blumberg,  
19 which I obtained from the Armed Forces Institute of  
20 Pathology. That appears to be it.

21 Q So you're saying that you have a copy of the  
22 actual memorandum itself?

23 A I do.

24 Q And did you read that memorandum before  
25 publishing -- or before writing the third article?

1           A     I did.

2           Q     Did you question Dr. Finck about the Blumberg  
3 memorandum or letter?

4           A     Yes.

5           Q     And did you include his remarks about that  
6 question in your article?

7           A     Yes.

8           Q     What was it that you asked him about, the  
9 Blumberg letter or memo?

10          A     Well, basically, is this what you said in 1964,  
11 '65, is this what you meant, do you stand by it today?  
12 You know, events and details. What does this mean  
13 exactly.

14          Q     Why did you feel it necessary or appropriate to  
15 go back and find out what Dr. Finck -- the actual record  
16 of what Dr. Finck said in 1964 and question him about it  
17 when you didn't do that in the cases of any other doctors?

18                   MR. BABCOCK: Object to the form of the  
19 question.

20                   THE WITNESS: I'm not sure I considered it  
21 necessary. It was just an added bit of preparation.

22 BY MR. KIZZIA:

23          Q     Well, why did you do it in preparing for your  
24 interview with Dr. Finck and then in questioning  
25 Dr. Finck, but you didn't do that prior to or during your

1 interview with any of the other doctors?

2 MR. BABCOCK: I object to the form of the  
3 question, assumes facts not in evidence in that he didn't  
4 do it for the others.

5 THE WITNESS: I'm not aware there wasn't  
6 any memo from the commanding general to the others.

7 BY MR. KIZZIA:

8 Q Well, you knew that they had testified 29 years  
9 earlier and there was a record of that?

10 A Amply covered in the Warren Commission's  
11 Summary Volume.

12 MR. BABCOCK: So the answer is, you did do  
13 it?

14 THE WITNESS: I did do it, sure.

15 BY MR. KIZZIA:

16 Q How do you know --

17 A The other --

18 Q Go ahead.

19 A The other answer is, is that Drs. Boswell and  
20 Humes did not work for the Armed Forces Institute of  
21 Pathology, so there was not the equivalent chain of  
22 command where they had a commanding general to report to.  
23 You know, where they worked the chain of command that lead  
24 them to report to the Warren Commission and not to report  
25 to the commanding general; whereas Finck, for whatever

1 reasons, he did this subsequent to the autopsy. It may  
2 have been the time when the left the Armed Forces  
3 Institute of Pathology. He just wrote this memo for this  
4 commanding officer.

5 Q How did you find out about the existence of the  
6 memo?

7 A You know, I can't exactly recall. Dr. Lundberg  
8 may have called it to my attention.

9 Q Are you just guessing?

10 A Yeah, I am just kind of guessing. Somehow it  
11 was suggested to me to contact the Armed Forces Institute  
12 of Pathology to see if they might have any records of Dr.  
13 Finck.

14 MR. BABCOCK: Try not to guess, if you  
15 don't mind.

16 THE WITNESS: Sure.

17 BY MR. KIZZIA:

18 Q Do you know when you came into possession of  
19 that memorandum?

20 A Before I interviewed Dr. Finck in Geneva,  
21 Switzerland in August of 1992.

22 Q Was it after you wrote your articles that were  
23 published in JAMA in May of 1992?

24 A It was after.

25 Q How do you know that the summary of testimony



1 of some of the doctors, as presented in the summary of the  
2 Warren report that you read, accurately summarizes their  
3 testimony if you didn't read their actual testimony?

4 A Well, you know, this is their sworn signed  
5 final report to the Warren Commission. I mean, if you  
6 can't believe that -- I mean -- what -- I don't follow the  
7 drift of your question. What is there not to believe.

8 MR. BABCOCK: No. What he wants to know  
9 is, how do you know the summary was accurate if you didn't  
10 compare the summary to the accurate testimony. I think  
11 that's it.

12 BY MR. KIZZIA:

13 Q Well, the truthful answer is you don't know,  
14 but you assumed that it was accurate; isn't that right?

15 A I took it -- I took it for -- I assumed that  
16 the Warren Commission endorsement of the autopsy report,  
17 as reported by the Warren Commission and subsequently  
18 confirmed on four separate occasions by independent  
19 panels, was essentially correct. Yes, that was my  
20 assumption.

21 And the counter-assumption is, I did not have  
22 to go back and wade through the 26 volumes to find a  
23 discrepancy here and there and to find a conspiracy.

24 MR. KIZZIA: Objection, nonresponsive.

25 BY MR. KIZZIA:

1           Q     My -- are you saying that you didn't read the  
2 autopsy report, the actual autopsy report?

3           A     Of course I read the autopsy report.

4           Q     Okay. Well, I thought you said that you  
5 assumed the autopsy report was correct because the Warren  
6 Commission report was based on the autopsy report.

7           A     No. I assumed that my reading --

8                     MR. BABCOCK: No, that's not what you  
9 said.

10                    THE WITNESS: I read the autopsy report,  
11 yes.

12 BY MR. KIZZIA:

13           Q     Were any of the interviews that you did  
14 recorded?

15           A     Which interviews?

16           Q     Are there some interviews that you haven't told  
17 us about?

18           A     We're talking about what? The interviews of  
19 the --

20                    MR. BABCOCK: I object to the form of the  
21 question as global. Why don't you tell him what  
22 interviews you're asking about.

23 BY MR. KIZZIA:

24           Q     Were any of the interviews that you did for the  
25 articles that you wrote for JAMA pertaining to the JFK

1 case recorded?

2 A Yes.

3 Q Which ones were recorded?

4 A The interviews with Drs. Humes and Boswell, Dr.  
5 Baxter, Carrico and Jenkins, and Dr. Rose and  
6 Dr. Finck and Dr. McClelland.

7 Q That's all of them, isn't it, except for  
8 Dr. Perry?

9 A With the exception of Dr. Perry.

10 Q You did not record your interview with Dr.  
11 Perry over the telephone?

12 A I took handwritten notes as we talked.

13 Q Did you ask if it could be recorded? Did you  
14 ask him for permission to record it?

15 A I did not ask for permission to record it.

16 MR. BABCOCK: Dr. Perry?

17 THE WITNESS: Dr. Perry, correct.

18 BY MR. KIZZIA:

19 Q All right. Who recorded your interviews with  
20 Drs. Boswell and Humes?

21 A I did.

22 Q Was that interview done with both of them  
23 present at one time?

24 A It was.

25 Q You did not do separate interviews with

1 Dr. Boswell and Dr. Humes?

2 A No.

3 Q How was it recorded, what kind of recording  
4 device?

5 A It was done with a Sony tape recorder.

6 Q And why did you record those interviews?

7 A Well, to save myself the trouble of taking  
8 extensive notes at the time, and basically that was it.

9 Q Does that apply to all the interviews that you  
10 did for these articles, that's the reason that you did it?

11 A Yes.

12 Q So you did not take notes with regard to the  
13 interviews?

14 A I took some notes in addition to taping.

15 Q But you discarded those notes?

16 A I have.

17 Q What about the tape recordings, what happened  
18 to them?

19 A The tape recordings have been discarded.

20 Q Were any copies made?

21 A No.

22 Q Were the interviews transcribed?

23 A I personally transcribed the tapes. I  
24 transcribed the tapes.

25 Q How did you transcribe them? Handwriting?

1           Typing?

2           A     Handwriting.

3           Q     You hand wrote them out?

4           A     I hand wrote them out.

5           Q     In their entirety?

6           A     In the entirety of the tape, yeah.

7           Q     Were the interviews recorded in their  
8           entireties or just portions of the interviews recorded?

9           A     Well, the interviews -- you know, at the time  
10          we did the interview, it was recorded.

11          Q     Well, what I'm asking you is, did you start the  
12          recorder at the beginning of the interview and stop the  
13          recorder at the completion of the interview?

14          A     Well, I turned it off, you know, when we took  
15          breaks or lunch. But, you know, the parts of the  
16          interview were recorded.

17          Q     And that's true in all of the interviews that  
18          you did for these articles?

19          A     That's true of all of them with the exception  
20          of Dr. Perry.

21          Q     Why were the tape recordings discarded?

22          A     Well, it's just my normal procedure. They had  
23          served their purpose.

24          Q     What purpose was that?

25          A     Well, the purpose was to accomplish the

1 production of the story. And, you know, once I had  
2 conducted the interviews and tape recorded them and  
3 transcribed them myself and written the article and the  
4 article was set for publication and was published, that  
5 was the end of the line.

6 Q And you're saying that no copies of the tape  
7 recordings were made?

8 A None.

9 Q Did you ever provide any of the tape recordings  
10 to anyone else to listen to?

11 A None. No one.

12 Q So no one else heard the tape recordings other  
13 than yourself?

14 A Not a soul.

15 Q What happened to your handwritten transcripts  
16 of the interviews?

17 A They were discarded with the tapes.

18 Q Were the tapes and the transcriptions of the  
19 tapes discarded prior to publication of the articles?

20 A Yeah. Almost simultaneous with publication.

21 Q Did you record the interview with Dr. Finck  
22 also?

23 A Yes.

24 Q Did any of the people that you -- or any of the  
25 doctors that you interviewed request copies of the

1 recordings or copies of the transcripts of the interviews?

2 A No.

3 Q So you didn't provide them with copies?

4 A No.

5 Q You said earlier that you read the book,

6 JFK: Conspiracy of Silence; is that correct?

7 A That's correct.

8 Q How many times did you read it?

9 A Once.

10 Q When did you read it?

11 A Prior to doing the interviews in Dallas the  
12 with Dallas doctors, subsequent to the Humes and Boswell.

13 Q So at the time that you interviewed Drs. Humes  
14 and Boswell, you had not read the book, JFK: Conspiracy  
15 of Silence?

16 A I had not.

17 Q Did you go buy a copy of the book?

18 A I believe I did.

19 Q Where did you buy it?

20 A I believe I bought it at a Krochs & Brentanos  
21 in Chicago.

22 Q What made you decide to go out and buy the  
23 book?

24 A Well, as described in my article, the lead  
25 article, Dr. Crenshaw's book, public book about a public

1 controversy, in effect, interjected itself into our  
2 discussions.

3 Because on the second day of my interviews with  
4 Humes and Boswell, Dr. Crenshaw was on a morning TV show,  
5 Good Morning America -- one of the morning TV shows -- and  
6 Dr. Boswell happened to have the TV set on in his room,  
7 and he came to our second day of interviews and said to  
8 Dr. Humes, Joe, it's a good thing you didn't have your TV  
9 set on this morning because your blood pressure would have  
10 gotten up if you would have heard what this doctor had to  
11 say about, you know, the direction of the bullets.

12 And, you know, so we had a little bit of talk  
13 about Dr. Crenshaw and that's how, in effect, he  
14 interjected himself into this public controversy. And  
15 Humes just said, you know, my God, where does this stuff  
16 come from and proceeded to give his summation of what had  
17 happened.

18 And then subsequent -- that was the end of that  
19 episode, but obviously they interviewed the Dallas  
20 doctors. Since what Dr. Crenshaw was saying was  
21 diametrically opposed to what Drs. Jenkins and the others  
22 were saying, I decided I would read the book.

23 MR. BABCOCK: I don't remember the  
24 question, but I'm sure you answered more than he asked.  
25 What's your -- it's a little after 5:00. What's your



1 estimate on time here?

2 MR. KIZZIA: It's hard to say, Chip. I  
3 would say that we probably have another couple of hours  
4 worth at least.

5 MR. BABCOCK: So you're saying you can't  
6 finish before 7:00 at the earliest?

7 MR. KIZZIA: I'd say that's doubtful, but  
8 if you want to try it, I'll try it.

9 MR. BABCOCK: Well, I don't -- these  
10 people have plane connections, and I've got some plans  
11 myself. But if you could assure me that we're going to  
12 get finished by 7:00, then obviously it's worth it to do  
13 it, but it doesn't sound like that to me.

14 MR. KIZZIA: First of all, I can't make  
15 that assurance. But second of all, I'd like to know if  
16 you have ever gotten any lawyer to keep that assurance.

17 MR. BABCOCK: Excuse me.

18 MR. KIZZIA: Have you ever gotten any  
19 lawyer to make that assurance?

20 MR. BABCOCK: All the time. I give it all  
21 the time. Well, for purposes of their plane situation,  
22 let's go until 6:00.

23 It will go better if you just answer his  
24 questions.

25 MR. WATLER: Did you say go to 6:00?

1 MR. BABCOCK: Yes.

2 BY MR. KIZZIA:

3 Q And you say that this occurred on the second  
4 day of your meeting with Drs. Boswell and Humes in  
5 Florida?

6 A That's my recollection.

7 Q Was it Dr. Boswell who brought it to your  
8 attention?

9 A Yes.

10 Q Did you know who Dr. Crenshaw was?

11 A I -- basically, I had never heard of  
12 Dr. Crenshaw before that, no.

13 Q So certainly you had never heard of his book,  
14 then?

15 A You know, I think I may have vaguely seen in  
16 the New York Times book review that there was a book,  
17 JFK: Conspiracy of Silence. Now, whether I would have  
18 equated that with the name Crenshaw, I'm not sure.

19 Q But you didn't pay any attention to it  
20 before --

21 A No.

22 Q -- before the second day of your meeting with  
23 Dr. Boswell and Dr. Humes?

24 A I did not.

25 Q Before you went to meet with Dr. Boswell and

1 Dr. Humes, had you planned to come to Dallas to meet with  
2 Dr. Jenkins?

3 A I had hoped to. It was dependent upon, you  
4 know, the participation of the Dallas doctors.

5 Q Had you already called Dr. Jenkins to discuss a  
6 meeting?

7 A I don't believe I had. I believe I called him  
8 after I returned to -- to Chicago. Actually, I called  
9 Dr. Rose first. I interviewed Dr. Rose, then I went to  
10 Dallas and interviewed the Dallas doctors.

11 Q Did you call Dr. Rose before you had your  
12 meeting with Dr. Boswell and Dr. Humes?

13 A No. We did the Humes and Boswell interviews  
14 first.

15 Q When was it first determined that you would do  
16 a second article pertaining to interviews with some of the  
17 Dallas doctors?

18 A When they agreed to make themselves available  
19 for the interviews.

20 Q And that was after you talked to Dr. Jenkins?

21 A Right -- well, no. First come Humes and  
22 Boswell, then I return to Chicago. And first Dr. Rose  
23 says, I'll talk to you; I talked to Rose. Subsequent to  
24 that Dr. Jenkins says, come on down, we'll talk to you.

25 Q But you didn't contact either Dr. Rose or

1 Dr. Jenkins until after you got back from your meeting  
2 with Dr. Humes and Dr. Boswell?

3 A That's correct.

4 Q And it was after you returned from your trip  
5 with Dr. Lundberg to meet with Drs. Boswell and Humes that  
6 it was determined that you would contact Dr. Rose and  
7 Dr. Jenkins?

8 A It was not determined that I would contact  
9 them. I had always intended to contact them. It was  
10 after that, that they agreed to the interviews.

11 Q Well, when did you first make the decision that  
12 you were going to contact Dr. Jenkins for an interview?

13 A The intent from the start was to do as a  
14 complete and thorough a story as we could. That included  
15 both the autopsy and the Dallas doctors. However, we had  
16 no assurances until late -- I think according to those  
17 letters -- until May of '92 that Boswell and Humes would  
18 even talk to us.

19 So this is all dependent upon the cooperation  
20 of the doctors. Boswell and Humes finally agreed to  
21 interviews, I believe, in late March of '92 and the  
22 interviews took place in early April. And Rose agreed in  
23 April, and I did him and Jenkins. And the Dallas doctors  
24 agreed in April, and I did them.

25 And so, I mean, the intent from the start was

1 to interview all of them, as many as we could if they  
2 would agree. And that's -- the sequence was Boswell,  
3 Humes, Rose, Dallas.

4 Q But you didn't even try to set up interviews  
5 with any of the Dallas doctors until after your meeting  
6 with Dr. Humes and Boswell?

7 A Well, one thing at a time. I mean, you know,  
8 we had our hands full.

9 MR. BABCOCK: The question is, did you  
10 try?

11 THE WITNESS: No.

12 BY MR. KIZZIA:

13 Q But is it your testimony that you had planned  
14 to do so even before you met with Dr. Humes and Boswell?

15 A Yes, contention. I got any autopsy interviews.  
16 I probably would not have done Dallas interviews without  
17 the autopsy interviews, because I would not have been  
18 interested in what Dallas doctors thought they saw if I  
19 had not had the autopsy results also.

20 Q Did you get JFK: Conspiracy of Silence read  
21 before you contacted Dr. Jenkins to meet with him?

22 A I believe I did.

23 Q Do you still have a copy -- your copy of  
24 JFK: Conspiracy of Silence?

25 A I do not.

1 Q What happened to it?

2 A I -- one of two things happened to it. Either  
3 I gave it to Dr. Glass, who expressed an interest in  
4 reading it, and he read it and discarded it or he read it,  
5 returned it to me and I discarded it.

6 Q But it's discarded?

7 A It's discarded.

8 Q How do you know if Dr. Glass discarded it? Did  
9 he tell you that?

10 A Oh, it was my copy, so I -- knowing  
11 Richard Glass, I'm almost certain he would have returned  
12 to me. He's very diligent about that type of thing.

13 Q But you don't remember specifically?

14 A 90 percent he gave it to me, I discarded it. I  
15 can't imagine he would not return something I gave to him.

16 Q But you don't know for sure?

17 A 90 percent for sure.

18 Q Have you asked him?

19 A I have not.

20 Q Did you do any highlighting or make any notes  
21 in your copy of JFK: Conspiracy of Silence?

22 A Of what?

23 MR. BABCOCK: The book, the book. Did you  
24 highlight the book?

25 BY MR. KIZZIA:

1 Q Did you make any highlights or notes in your  
2 copy of JFK: Conspiracy of Silence?

3 A I did not.

4 (Deposition Exhibit No. 8 marked.)

5 BY MR. KIZZIA:

6 Q Let me show you what I have marked for  
7 identification purposes as Exhibit No. 8.

8 A Okay.

9 Q Do you recognize Exhibit 8?

10 A I have not seen this before. I mean, I have  
11 not seen the cover letter. I have not seen this before,  
12 the fax transmission. The rest of it is -- we've been  
13 over it before.

14 Q Do you want to take time -- a moment to look at  
15 that?

16 A When counsel returns it.

17 MR. BABCOCK: You didn't get this from us,  
18 did you, Brad?

19 MR. KIZZIA: No. Everything I got from  
20 you is Exhibit 3.

21 THE WITNESS: Well, they got everything  
22 except the fax.

23 MR. BABCOCK: Yes.

24 THE WITNESS: Well, I have not seen this,  
25 this fax transmission cover sheet before.

1 BY MR. KIZZIA:

2 Q You're referring to the first page of Exhibit  
3 8?

4 A Right.

5 Q Well, let's look at the first page of Exhibit  
6 8. It is a -- well, let me ask you this: Have you ever  
7 seen a fax cover sheet for American Medical Association?

8 A Well, that -- a JAMA fax sheet, but I mean  
9 every unit has their own. You know, their own letterhead  
10 or whatnot.

11 Q Exhibit 8 has the American Medical Association  
12 letterhead at the stop, right?

13 A Right.

14 Q And you recognize that?

15 A Right.

16 Q Has the date May 19th, 1992?

17 A Right.

18 Q And it says, to John Castillo?

19 A Right.

20 Q Good morning, and then a telephone number?

21 A Uh-huh.

22 Q You need to answer out verbally.

23 A Yes.

24 Q Do you know who John Castillo is?

25 A I do not.



1 Q And then it says, from Mark Stuart, Paul Terini  
2 and Jeffery Molter at the American Medical Association New  
3 York office?

4 A Uh-huh.

5 Q And then it has a telephone number?

6 A Right.

7 Q Who is Mark Stuart again?

8 A Mark Stuart is the director of the AMA  
9 Washington -- New York PR office.

10 Q And Paul Tarini?

11 A And Jeffery Molter, we've covered before, are  
12 the science news and public information people in Chicago  
13 who wrote -- handled the press release and the press  
14 conference.

15 Q Do you know why this fax transmission was sent  
16 by Mr. Stuart, Tarini, and Molter at the American Medical  
17 Association to John Castillo on May 19th, 1992?

18 MR. BABCOCK: Object to the form of the  
19 question. It assumes that it was sent.

20 MR. WATLER: Calls for speculation.

21 THE WITNESS: No, I don't know.

22 BY MR. KIZZIA:

23 Q Then the next four pages appear to be copies of  
24 the same news release that we talked about earlier.

25 A Right.

1 Q And then the rest of it appear to be copies --  
2 or reprints, rather -- from JAMA of your May 1992  
3 articles; is that right?

4 A Xerox copies, it appears to be.

5 Q Okay. When you had earlier testified about  
6 reprints -- excuse me -- is this the type of --

7 A No.

8 Q -- thing you're referring to?

9 A A reprint would be stapled and bound, you know,  
10 and be run off in quantity. This is apparently just a  
11 Xerox -- or maybe it's a Xerox of the reprint.

12 But the actual reprint would be stapled. You  
13 have -- I think you have one somewhere in those documents.  
14 By reprint, I mean the self-contained stapled reprint.

15 Q As far as this page that says reprints from  
16 JAMA, does that appear to be a copy of --

17 A Right. Yeah, this is a Xerox of the reprint  
18 because of the copyright lines. So they probably just  
19 Xeroxed a reprint, put it on a fax machine since the  
20 stapled copy couldn't be faxed. Are you following?

21 They couldn't put the fax -- stapled copy into  
22 a fax machine, so they probably just Xeroxed it and fed in  
23 the individual sheets.

24 Q Do you know who the AMA faxed copies or copies  
25 of reprints of your articles to?

1           A     Who they sent copies to? Anyone who requested  
2 them.

3           Q     Did they send some to people -- organizations  
4 or members of the media who didn't necessarily  
5 specifically request them?

6           A     I don't know. You'd have to ask them.

7           Q     Have you ever written an article for JAMA that  
8 was not published?

9           A     An article for JAMA? Not that I can recall.

10          Q     Are different criteria applied to the  
11 determination of whether an article submitted by a JAMA  
12 reporter is worthy of publication than the criteria  
13 applied to articles submitted to JAMA for publication from  
14 outside sources?

15          A     Didn't we cover this?

16          Q     We talked about the process. Now I'm asking  
17 about the criteria for determining whether or not the  
18 article is worthy of publication.

19                   MR. BABCOCK: If that's within the sphere  
20 of knowledge.

21                   THE WITNESS: Yeah, it seems to me that  
22 criteria and process are in the same. But the  
23 distinction, as I tried to say, is that staff journalists  
24 for JAMA write for their editor. And I suppose if you had  
25 a violent objection, there would be a discussion. The

1 scientific thing is a completely different ball game,  
2 which goes through a process and is massaged and peer  
3 reviewed. I have nothing to do with it.

4 Q What do you mean "the scientific thing"?

5 A Scientific papers, as I discussed. You know,  
6 if Brad Kizzia submitted a scientific research paper to  
7 JAMA, the route it would travel is one I would have  
8 nothing to do with but is completely different from the  
9 type of journalistic article that the Kennedy series  
10 represents.

11 Q So the articles that you wrote regarding the  
12 JFK assassination were not scientific articles; is that  
13 right?

14 MR. BABCOCK: Object to the question.

15 THE WITNESS: I didn't say that at all.

16 BY MR. KIZZIA:

17 Q Well, I'm not saying you said it. Isn't that  
18 true, though?

19 A What do you mean by scientific?

20 MR. BABCOCK: Well, you know, that's a  
21 vague term. It speaks for itself is what it does.

22 THE WITNESS: It was not a current concept  
23 in cholesterol, peer review, scientific manuscript if  
24 that's what you mean.

25 BY MR. KIZZIA:

1           Q     No. I want to know what you mean. I asked  
2           you -- you referred to the scientific thing. And I asked  
3           you what you meant by that and you talked about a  
4           different process and criteria applied to scientific  
5           articles that weren't applied to yours.

6           A     JAMA is -- you know, JAMA is essentially a  
7           general medical journal that publishes peer reviewed  
8           research and scientific articles in which researchers, you  
9           know, forward their research and it is peer reviewed.

10                     The Kennedy articles were a work of journalism  
11           which is handled through an editor and is not peer  
12           reviewed in the same, you know, sense that a scientific  
13           article is.

14           Q     So there is a difference, from your point of  
15           view and from JAMA's point of view, between a journalistic  
16           article and a scientific article?

17                     MR. BABCOCK: Object to the form of the  
18           question.

19           BY MR. KIZZIA:

20           Q     Is that correct?

21                     MR. BABCOCK: Same objection.

22                     THE WITNESS: Yeah, you know, I'm not  
23           quite sure what you mean by scientific article. We'd have  
24           to get -- we'd have to have a dissertation on  
25           nomenclature. I tried to explain what a peer reviewed

1 article is. But I mean scientific article, what does that  
2 mean?

3 Q Do you know what a journalistic article is?

4 A The Kennedy thing is a work of journalism.

5 Q It's not a work of science?

6 A It's not bench research. Yeah, I did not use  
7 test tubes and Delta values.

8 Q You're not a scientist, are you, sir?

9 A I am not a scientist.

10 Q And no one else participated in the writing of  
11 those articles except you, right?

12 A Well, in the writing --

13 MR. BABCOCK: He's already testified to  
14 that.

15 THE WITNESS: I wrote the articles.

16 BY MR. KIZZIA:

17 Q So would you describe the three articles that  
18 you wrote pertaining to the JFK assassination that were  
19 published in JAMA in 1992 as scientific articles?

20 MR. BABCOCK: Object to the form of the  
21 question. It could not have any possible bearing on this  
22 case.

23 THE WITNESS: I can't characterize it  
24 within that context one way or the other.

25 MR. BABCOCK: Unless there's a privilege

1 for scientific articles. I don't know about that. If  
2 there is, we're going to find out about it.

3 BY MR. KIZZIA:

4 Q Where were you on November 22nd, 1963?

5 A I was standing in front of an Associated Press  
6 teletype machine during a journalism class at Northwestern  
7 University in my senior year of Northwestern University.  
8 But whatever time it was, 12:30, when the transmission  
9 came in that the President had been -- reports are the  
10 President has been shot in Dallas.

11 Q So you were in school at the time?

12 A I was in school.

13 Q Well, obviously, you weren't at Parkland  
14 Hospital or at Bethesda Hospital at any time on November  
15 22nd, 1963?

16 A I was not on the scene at 1963.

17 Q Either in Dallas or in Bethesda, Maryland; is  
18 that right?

19 A Either one.

20 Q How about Dr. Lundberg, do you know where he  
21 was on November 22nd, 1963?

22 A I have no idea.

23 Q You've never discussed that with him?

24 A No.

25 Q Have ever been to --

1 MR. BABCOCK: Chicago?

2 BY MR. KIZZIA:

3 Q Have you ever been to Trauma Room One at the  
4 Parkland Hospital Emergency Room?

5 A I believe Dr. Jenkins --

6 MR. BABCOCK: No, no. Have you ever been  
7 there?

8 THE WITNESS: Yeah, I'm saying I believe  
9 Dr. Jenkins escorted me, showed it to me when I did the  
10 interviews in '92.

11 BY MR. KIZZIA:

12 Q He showed you where President Kennedy's body  
13 was brought and where the emergency efforts to revive him  
14 took place?

15 A Yeah. I mean, what's left of it. It was  
16 transformed by 1992.

17 Q What does it look like now, or how is it  
18 different?

19 A You know, the medical center at UT Southwest  
20 Dallas has grown tremendously and Parkland Hospital has  
21 grown tremendously. And he drove me to where the  
22 emergency exit was, and I believe he showed me where the  
23 original Trauma Room One was. But, you know, it was a  
24 very cursory type of a tour.

25 Q You didn't go into the Trauma Room One?



1           A     I can't recall if we went in or just sat there  
2           at his -- I can't recall if we got out of the car and went  
3           in or not.

4           Q     Oh, this was a tour in a vehicle?

5           A     This was a tour in a vehicle before we went to  
6           Dr. Jenkins' office for the interview.

7           Q     So you did not actually personally walk into  
8           Trauma Room Number One?

9           A     I can't recall if I did or not.

10          Q     You have ever been to the morgue at Bethesda  
11          Naval Hospital?

12          A     I have not.

13          Q     Do you know whether or not Dr. Lundberg ever  
14          has?

15          A     I do not.

16          Q     Do you know whether or not Dr. Lundberg has  
17          ever been to the Parkland Hospital Emergency Room?

18          A     I do not.

19          Q     Did you personally request that reprints or  
20          copies of the articles be sent to anyone?

21          A     I did not.

22          Q     Do you know whether or not reprints or copies  
23          of your articles were sent to anyone in particular?

24          A     I know of none other than, I believe, courtesy  
25          copies are sent to Drs. Humes and Boswell and possibly to

1 the Dallas doctors, Drs. Jenkins and so on.

2 Q Were courtesy copies provided to those doctors  
3 before they were published?

4 A Thereabouts, you know. Simultaneous,  
5 shortly -- short -- it would not have been before the  
6 press conference but about that time. Shortly afterwards.

7 Q After the press conference?

8 A After the press conference.

9 Q The purpose of sending the doctors courtesy  
10 copies was not to get their input?

11 A The purpose was courtesy.

12 Q The articles were going to be published as is  
13 regardless of what they may have had to say?

14 A That's correct. The articles already were  
15 published.

16 Q What do you mean they were already published?

17 A Well, they were all published and they were --  
18 you know, JAMA was out.

19 Q Have you had any input at all in decisions as  
20 to who to send copies of the articles to or reprints of  
21 the articles to?

22 A No.

23 Q Who was it that conceived of the idea to do the  
24 articles pertaining to the JFK assassination in JAMA?

25 A Well, as I said, when I came to work, took the

1        JAMA assignment in June of 1989, my first discussion with  
2        Dr. Lundberg, among the many ideas we discussed, were what  
3        is the Kennedy assassination and talking to the -- the  
4        autopsy physicians and others.

5                    MR. BABCOCK: The question was who.

6                    THE WITNESS: Who what?

7                    MR. BABCOCK: Who suggested it?

8                    THE WITNESS: Lundberg, Dr. Lundberg.

9        BY MR. KIZZIA:

10                   Q        And that was back in 1989, you said?

11                   A        Right.

12                   Q        What did you do at that time to work on that  
13        assignment?

14                   A        Well, I believe we've covered this. But, you  
15        know, Dr. Lundberg had told me to try and get in touch  
16        with Drs. Humes or Bos -- I think he said Bosworth. It  
17        took a while to figure out it was Boswell.

18                                But what I did was I eventually called  
19        Dr. Boswell and Dr. Humes and said, would you be  
20        interested in this, in an interview, and they essentially  
21        said not now. And we left it at, well, if you ever change  
22        your mind, you know where to reach me. That's where it  
23        was left until they finally agreed in 1992 to do the  
24        interviews.

25                   Q        And that was in 1989 when you originally

1 called?

2 A Probably. Yeah, '89. Sometime in late '89.

3 Q Had you ever written anything on the JFK  
4 assassination before these three articles?

5 MR. BABCOCK: Asked and answered.

6 THE WITNESS: Nothing.

7 BY MR. KIZZIA:

8 Q Had you ever expressed any particular interest  
9 in the topic to Dr. Lundberg before he suggested this  
10 project?

11 A Well, I agreed with him, sure. That's a --

12 MR. BABCOCK: Now, before he talked about  
13 it, did you ever say anything to him?

14 THE WITNESS: I did not.

15 BY MR. KIZZIA:

16 Q Did your moving from the American Medical News  
17 to JAMA have anything to do with these articles?

18 A Absolutely not. You know, as I said earlier  
19 with regards to the book Dr. Rose referred to, you know, I  
20 had done 10 years worth of interviews with doctors in the  
21 public spotlight in similar cases.

22 MR. BABCOCK: The answer is absolutely  
23 not.

24 THE WITNESS: That's agreeable.

25 BY MR. KIZZIA:

1           Q     When did -- strike that. Who suggested the  
2     idea of interviewing the Dallas doctors?

3           A     Well, Dr. Lundberg and I both agreed that we  
4     would -- and Dr. Glass, in our discussions early in 1992,  
5     we --

6           MR. BABCOCK: No. The question is who.  
7     Not when, who.

8           THE WITNESS: Who suggested we do it?

9           MR. BABCOCK: Yes.

10          THE WITNESS: I suggested we do it, we  
11     talk to as many people as we could and do both parts of  
12     the story if we could.

13          MR. BABCOCK: Okay. So it was you?

14          THE WITNESS: It was me.

15     BY MR. KIZZIA:

16           Q     You had suggested that you talk to as many  
17     people as you could?

18          A     I suggested that we try to do both the Bethesda  
19     part of the story and the Dallas part of the story.

20          Q     When did you make that suggestion?

21          A     I made that suggestion early in 1992 and --

22          MR. BABCOCK: Okay. That's when it was.

23          THE WITNESS: Okay.

24     BY MR. KIZZIA:

25           Q     What prompted you to make that suggestion?

1           A     Well, because the interview with Drs. Boswell  
2           and Humes appeared to imminent according to what Dr.  
3           Lundberg was telling me based on his communications with  
4           Dr. Humes.

5           Q     Well then, why did you wait until after you had  
6           talked to Dr. Humes and Dr. Boswell before you tried to  
7           contact any of the doctors in Dallas?

8                     MR. BABCOCK:   Object to the form of the  
9           question.

10                    THE WITNESS:   You've asked that three  
11           times.   For the logical sequence.   Secondly, wouldn't have  
12           done Dallas without the autopsy.

13                    MR. BABCOCK:   He's already said that.

14           BY MR. KIZZIA:

15           Q     How much in advance of your interviews with Dr.  
16           Boswell and Dr. Humes did you know that they were going to  
17           take place?

18           A     Not -- you mean for sure?   For certain?   Not  
19           less than a month.

20           Q     Not less than a month?

21           A     Less than a month was the lead time we had and  
22           the time they promoted.

23           Q     During that month lead time, why didn't you --

24           A     I said less than a month.   It was not a month.  
25           It may have been a week.   There was not a lot of time.

1           Q     Well, which was it? Was it closer to a week or  
2 closer to a month?

3           A     My recollection is it was closer to a week to  
4 10 days. You've seen the letter suggesting -- one of them  
5 was --

6                     MR. BABCOCK: There's no question.  
7 There's no question on the table.

8 BY MR. KIZZIA:

9           Q     Why, during whatever amount of lead time there  
10 was there, did you not contact any of the doctors in  
11 Dallas to try to set up interviews with them to follow  
12 your interviews with Drs. Boswell and Humes?

13                    MR. BABCOCK: Objection. It's been asked  
14 and answered.

15                    THE WITNESS: Three times now.

16 BY MR. KIZZIA:

17           Q     And the answer is what?

18           A     The answer is they clearly had to await the  
19 confirmation that the interviews of Drs. Boswell and Humes  
20 had to take place, and once that confirmation came then  
21 there was nothing left to do other than get ready to go  
22 interview Boswell and Humes. Now it's time to turn our  
23 attentions to the Dallas doctors.

24           Q     Had you done any reading or research regarding  
25 the JFK assassination before you received the assignment

1 to do these articles?

2 A You mean before 1992?

3 Q Yes, sir.

4 A Nothing extensive. I think I may have -- I  
5 read the Warren Commission Summary Value, and I think I  
6 saw the movie JFK.

7 Q Anything else?

8 A That was about it.

9 Q You said earlier that part of the totality of  
10 the records were conspiracy books. Is that how you  
11 described it?

12 A I attempted to say the totality of the medical  
13 evidence involved various conspiracy books that turned the  
14 medical evidence -- or attempted to turn the medical  
15 evidence upside down, and that had be taken into  
16 consideration and weighed against and questioned against  
17 the doctors that I interviewed. And at the far end of  
18 that came the final appraisal in writing the articles.

19 Q What such books did you read?

20 A Not -- you know, I did not even read as many  
21 books as much as following press accounts of reviews of  
22 books or press accounts of --

23 MR. BABCOCK: He just wants to know what  
24 books you read, if you can recall that.

25 THE WITNESS: Very few.



1 MR. BABCOCK: What you recall any?

2 THE WITNESS: I -- actually, I can't  
3 recall any prior to 1992.

4 MR. BABCOCK: Asked and answered. He  
5 can't recall prior to '92.

6 MR. KIZZIA: Okay.

7 BY MR. KIZZIA:

8 Q Well, let me ask you this. Can you say for  
9 sure that prior to 1992 you had read any books pertaining  
10 to the JFK assassination?

11 A I can't say for sure. I mean, it was not a  
12 burning interest of mine.

13 Q After January 1st, 1992, did you read any books  
14 pertaining to the JFK assassination?

15 A After January 1st?

16 Q Yes, sir.

17 A I read Dr. Crenshaw's book. I believe I read  
18 Jim Myers' book, Cross Fire or whatever he wrote -- Cross  
19 Fire. You know, I saw Oliver Stone's movie.

20 MR. BABCOCK: Books. We are talking about  
21 books.

22 THE WITNESS: It was definitely not a  
23 book. That's about it.

24 BY MR. KIZZIA:

25 Q Are you sure that you read Jim Myers' book,

1           Cross Fire?

2           A     I read Cross Fire, whoever wrote it. I read  
3 Jim Myers'. Whoever wrote it, I read it.

4           Q     You're certain you read Cross Fire?

5           A     After January 1, 1992.

6           Q     Was it before you met with Drs. Boswell and  
7 Humes?

8           A     It was not.

9           Q     It was after?

10          A     It was after.

11          Q     Was it before you met with Dr. Jenkins?

12          A     It was not before.

13          Q     It was after that?

14          A     After.

15          Q     Was it before you met with Dr. Finck?

16          A     It was not.

17          Q     It was after that?

18          A     After.

19          Q     So you read the book, Cross Fire, after you had  
20 written the three articles?

21          A     Yeah.

22          Q     How recently was it when you read Cross Fire?

23          A     I believe it was actually Memorial Day weekend  
24 in 1993.

25          Q     What prompted you to read that particular book?

1           A     I think I was seeking amusement because my wife  
2           and I were spending the weekend in New Orleans and she was  
3           reading a series of books, and we were in a bookstore. I  
4           picked up on a whim. I didn't spend a lot of time reading  
5           it.

6           Q     Did you read the whole book?

7           A     I can't say I read the whole book. I think I  
8           may have jumped to the end of the chapters and read his  
9           theories.

10          Q     Jumped to the conclusion?

11          A     Jumped to his theories. I don't think there  
12          were any conclusions.

13          Q     Other than JFK: Conspiracy of Silence, did you  
14          read any books pertaining to the JFK assassination prior  
15          to writing the articles that were published in JAMA?

16          A     I did not. Let me amend that. I think I did  
17          read Jim Garrison's On The Trail of The Assassin at some  
18          point. I really can't recall when, but I also read that  
19          book.

20          Q     Did you read it before you wrote the JAMA  
21          articles on the JFK assassination?

22          A     I really can't recall. I'm not even sure I  
23          read it. I think I turned to the index to see if he had  
24          referenced it to Finck and certain doctors, skimmed  
25          it.

1 Q Did you buy that book?

2 A I did buy that book.

3 Q Do you still have it?

4 A I do not still have it.

5 Q What happened to it?

6 A It was tossed.

7 Q By you?

8 A By me.

9 Q After the articles were published?

10 A Whenever I read it, it was tossed.

11 Q What about Cross Fire? Do you still have your  
12 copy of that?

13 A That was tossed in New Orleans.

14 MR. BABCOCK: He has testified about that  
15 twice.

16 THE WITNESS: It was tossed in New  
17 Orleans.

18 BY MR. KIZZIA:

19 Q Sorry.

20 MR. BABCOCK: Let the record reflect that  
21 both the court reporter and Mr. Kizzia are coughing,  
22 although she is trying to mask hers.

23 BY MR. KIZZIA:

24 Q After you read the letters that were provided  
25 to you that were submitted to JAMA in response to your

1 articles, did you do any further research or investigation  
2 to try to evaluate any of the criticisms or charges that  
3 had been made?

4 A Which?

5 MR. WATLER: I object to that as vague and  
6 ambiguous.

7 MR. BABCOCK: Me, too. Same objection.

8 BY MR. KIZZIA:

9 Q Can you answer the question?

10 A I'm not sure which letters you're referring to.  
11 The letters that were published or the letters that  
12 weren't published? At what point in time?

13 Q Okay. Let's start with the letters that were  
14 published. With regard to the letters to the editor that  
15 were published --

16 A I wrote a response --

17 MR. BABCOCK: Wait a minute. Let him  
18 finish his question.

19 BY MR. KIZZIA:

20 Q You wrote a response?

21 A You've seen it.

22 Q Right. Did you do any additional investigation  
23 or research?

24 A I read the letters, digested them, thought  
25 about what they had to say and wrote a response.

1 Q Is that all?

2 A That was enough.

3 Q You felt like that was enough?

4 A I felt that was enough.

5 Q What about the unpublished articles, did you do  
6 any further investigation and research after having  
7 reviewed those articles?

8 A I did not. Might I say that some of these  
9 letters did not invite further research.

10 Q Do you know -- strike that. I take it that at  
11 the time you interviewed Drs. Boswell and Humes they had  
12 not read JFK: Conspiracy of Silence. Is that correct?

13 A That's my understanding.

14 Q When you talked with Dr. Jenkins and Dr. Baxter  
15 and Dr. Carrico, had any of them read JFK: Conspiracy of  
16 Silence?

17 A I do not know.

18 Q Did you ask them?

19 A I don't believe I did ask them if they had read  
20 the book.

21 Q Did any of those three doctors, Dr. Jenkins,  
22 Dr. Baxter, Dr. Carrico, say anything to you to indicate  
23 one way or another whether or not they had read the book  
24 before you met with them?

25 A They indicated that they were aware of the

1 massive publicity Dr. Crenshaw was generating by  
2 appearances on national TV such as the one that happened  
3 when we were interviewing Boswell and Humes. And the  
4 local papers here in Dallas and Fort Worth had reported  
5 Dr. Crenshaw's allegations and media appearances, so it  
6 was in the air, so to speak. They were aware of that.  
7 Now, whether they took the trouble in buying and reading  
8 this book, I do not know.

9 MR. KIZZIA: Objection, nonresponsive.

10 BY MR. KIZZIA:

11 Q Mr. Breo, my question is, during your meeting  
12 with Dr. Jenkins, Dr. Carrico and Dr. Baxter, did any of  
13 those three doctors say anything to you to indicate one  
14 way or another whether or not any of them had read JFK:  
15 Conspiracy of Silence prior to your meeting with them?

16 A Dr. Carrico did pick up a copy of the book and  
17 thumbed through it and came to page -- which I quoted in  
18 my article -- page 15, as I recall, in which Dr. Crenshaw  
19 said that, Everyone dreams of being caught up in some  
20 important international event. That was my good fortune  
21 when I walked into the halls of history.

22 Dr. Carrico made the observation that I don't  
23 have those kind of dreams, and perhaps that's what  
24 motivates Dr. Crenshaw. That was the only recollection  
25 that I have of the book.

1                   MR. KIZZIA: I'm still going to have to  
2 object to your answer as being nonresponsive.

3 BY MR. KIZZIA:

4                   Q     But since you have brought up this incident,  
5 let me ask you this. Did Dr. Carrico have in his  
6 possession a copy of JFK: Conspiracy of Silence at the  
7 time of your meeting?

8                   A     I can't recall if someone at UT Southwest  
9 Dallas had a copy of the book or if I brought a copy of  
10 the book with me and tossed it after the interviews. I  
11 really can't recall. I know that Dr. Carrico did pick up  
12 the book and thumb through it and say, Here is your  
13 answer.

14                  Q     You don't know if that was his book or your  
15 book or somebody else's?

16                  A     I can't recall.

17                  Q     Other than that particular incident that you  
18 just related, did Dr. Jenkins, Dr. Carrico, or Dr. Baxter  
19 say or do anything that suggested to you one way or  
20 another whether or not any of them had read JFK:  
21 Conspiracy of Silence prior to your meeting?

22                  A     Nothing that would definitely influence that  
23 question. I don't know if they read it or not. They said  
24 nothing that would indicate that they either read it or  
25 had not read it.



1 Q Did they do anything that suggested to you one  
2 or another whether or not any of them had read the book?

3 A Well, what they did was say what I reported,  
4 which is, they thought Dr. Crenshaw was mistaken, but they  
5 based that largely on what they read in the press and on  
6 TV that he had said. Now, whether they did the additional  
7 thing of reading the book, I really don't know.

8 Q What was the statement that you attributed to  
9 Dr. Crenshaw on Page 15 of this book?

10 A It's Dr. Carrico -- it's mentioned in my  
11 article. I think it's -- I'm not even sure it's Page 15.  
12 I think it's Page 15. I think Dr. Crenshaw says something  
13 to the effect that many of us dream of being caught up in  
14 history's grand sweep, blah, blah, blah. Did you find it?  
15 That may even start the book off, in fact.

16 Q All right. What about Dr. Rose?

17 A Yes, Dr. Rose.

18 Q Do you know whether or not he read JFK:  
19 Conspiracy of Silence before you met with him?

20 A I believe he did not. Dr. Crenshaw was not any  
21 part of my discussion with Dr. Rose.

22 Q What makes you think that Dr. Rose had not read  
23 the book?

24 A Because it did not come up either from my  
25 questions or his answers. It did not come up in any

1 comment, way, shape or form.

2 Q What about Dr. Perry? Do you know whether or  
3 not he read JFK: Conspiracy of Silence before you talked  
4 to him over the telephone?

5 A Again, I do not know if he read the book. I do  
6 know that he was aware of the general allegations as  
7 reported by the media, and he made the comments which I  
8 reported in my article.

9 Q Did you ask him if he had read the book?

10 A I can't recall if I asked him if he read the  
11 book or he was aware of the allegations in the book, you  
12 know, which are two separate things.

13 Q Do you know whether or not -- strike that. Did  
14 Dr. Perry say anything during your telephone conversation  
15 with him that would indicate one way or another whether or  
16 not he had read JFK: Conspiracy of Silence?

17 A He said what I reported, which would indicate  
18 he was aware of the contents of the book. I do not know  
19 if he read the book or got that from the news media  
20 accounts.

21 Q All right. With regard to your interview of  
22 Dr. McClelland, do you know whether or not prior to your  
23 interview he had read JFK: Conspiracy of Silence?

24 A I do not know. But if I had to guess which of  
25 the Dallas doctors had read it, I would guess Dr.

1 McClelland would be --

2 MR. BABCOCK: Don't be guessing.

3 THE WITNESS: Okay.

4 BY MR. KIZZIA:

5 Q Why would you guess that Dr. McClelland had  
6 read the book?

7 A Well, based on his comments to me.

8 Q What comments were those?

9 A Well, that he believed -- he had a feeling that  
10 the bullets came from the front, which it was Dr.  
11 Crenshaw's feeling.

12 MR. BABCOCK: Quit guessing.

13 BY MR. KIZZIA:

14 Q Did you ask Dr. McClelland whether or not he  
15 had read the book?

16 A I did not.

17 Q Did Dr. --

18 A Actually -- well --

19 Q Did you want to say anything else?

20 A Actually, Dr. McClelland was reading another  
21 book by Harrison Livingston, a book about this thick, you  
22 know, which is another conspiracy book. He showed a  
23 photograph to me of the head wound and said, here it is.  
24 I said, here's what? What does that mean to you? But it  
25 was not JFK: Conspiracy of Silence.

1 Q Are you referring to Harrison Livingston's book?

2 A High Treason or whatever it was. Two or one or  
3 three or whatever.

4 Q Do you know which one it was?

5 A He's written so many sequels. I really don't.

6 Q Do you know who Harrison Livingston is?

7 A He was at our press conference.

8 Q Did you meet him?

9 A I could not escape his performance.

10 Q Was that your first meeting with  
11 Mr. Livingston?

12 A And last.

13 Q Well, I want you to elaborate on that further,  
14 but for the time being let me ask you this. Had you seen  
15 the photographs that Dr. McClelland showed you before he  
16 showed them to you?

17 A I had not.

18 Q Prior to your meeting with Dr. McClelland, had  
19 you seen the photographs that have been represented to be  
20 the photographs taken at the autopsy of President Kennedy?

21 A I had not seen those photographs.

22 Q Since your meeting with Dr. McClelland, have  
23 you seen any photographs that have been represented to be  
24 photographs taken at the autopsy of President Kennedy?

25 A I have not.

1 Q Trying to review those photographs was not part  
2 of your research?

3 A It was not part of my research and -- you know,  
4 it was specifically a concern of Dr. Humes and Boswell  
5 that there was no rational reason to review those  
6 photographs.

7 Q They didn't feel like there was either?

8 A They did not feel, the Warren Commission did  
9 not, and, you know, they did not want the photographs to  
10 get out into the National Inquirer, which is how they felt  
11 in 1963 and how they feel in 1993.

12 Q Did Dr. McClelland say anything that would  
13 indicate one way or another whether or not he had read JFK  
14 : Conspiracy of Silence before you had talked with him?

15 A He did not.

16 Q Did Dr. McClelland specifically refer to or  
17 show you any book, other than Harrison Livingston's book?

18 A He did not.

19 Q Have you talked to any of the doctors that you  
20 interviewed for your article since those interviews?

21 A A few.

22 Q Who have you talked to and when?

23 A Memorial Day 1992, my wife and I were  
24 vacationing in New Orleans and I literally bumped into Dr.  
25 Jenkins on Bourbon Street, you know, with his aunt, as I

1 recall, or his sister and --

2 MR. BABCOCK: Niece.

3 THE WITNESS: We had a six-minute  
4 discussion. I have spoken on the phone with  
5 Drs. Humes and Boswell a few times, mostly in regard to  
6 the letters published in October 7, 1992, to see if they  
7 were wanting to reply as I replied to those eight  
8 published letters.

9 I have not spoken to Dr. Finck since the  
10 interview. I have not spoken with Dr. McClelland or  
11 Dr. Rose. You know, some of them sent letters. Dr. Rose  
12 sent that letter you saw.

13 MR. BABCOCK: Speaking of that --

14 THE WITNESS: Yeah. I think that's it.

15 BY MR. KIZZIA:

16 Q What about Dr. Perry?

17 A Did not talk to Perry.

18 Q What about Dr. Carrico?

19 A No, Carrico; no, Baxter and no, Perry.

20 Q Did the conversations that you had with  
21 Dr. Humes and Dr. Boswell occur over the telephone?

22 A On the telephone, yes.

23 Q Were they separate conversations at that time?

24 A Separate conversations. They were in different  
25 places.

1           Q     Did they take place prior to the publication of  
2 the letters to the editor, that is marked as Exhibit, in  
3 your reply?

4           A     They didn't.

5           Q     Have you talked to them since then?

6           A     I have not.

7           Q     When you met with the doctors from Dallas, did  
8 you have a list of questions, like the list of questions  
9 that you had when you met with the autopsy doctors?

10          A     I did not.

11          Q     I think you've already said that you did not  
12 review the photographs that are purported to be  
13 photographs taken at the autopsy of President Kennedy, but  
14 have you looked at x-rays that have been represented to be  
15 x-rays taken at the autopsy of President Kennedy?

16          A     I have not seen x-rays.

17          Q     At the time that you wrote your articles for  
18 JAMA, were you aware of statements that have been made by  
19 certain witnesses and claims that have been made by  
20 certain researchers that the photographs represented to be  
21 photographs taken at President Kennedy's autopsy were not  
22 valid photographs, that they had been altered or  
23 fabricated in some way?

24          A     Vaguely. I was aware of the general conspiracy  
25 charge that the photographs and x-rays had been altered,

1 faked, whatever.

2 Q Did you discuss that with Drs. Boswell and  
3 Humes?

4 A Oh, of course.

5 Q Did you discuss that with the Dallas doctors?

6 A No.

7 Q Why didn't you discuss it with the Dallas  
8 doctors?

9 A The Dallas doctors didn't do the autopsy when  
10 the photos and x-rays were taken.

11 Q Was the press conference on May 19th, 1992  
12 recorded?

13 A I have no idea.

14 Q Was it videotaped?

15 A I have no idea. That would be something that  
16 the AMA Public Relations Department would know.

17 MR. BABCOCK: Object to the form of the  
18 question. How would he know what they would know?

19 BY MR. KIZZIA:

20 Q Well, if you wanted to find out, how would you  
21 find out?

22 A You could address your questions however you  
23 want to. I really don't know.

24 Q Well, if you did want to know, how would you  
25 find out?



1 MR. BABCOCK: Do you want to know?

2 THE WITNESS: No, I don't particularly. I  
3 don't want to know.

4 BY MR. KIZZIA:

5 Q If you did want to know, how would you go about  
6 finding out? Who would you ask?

7 A I'm not sure.

8 Q Well, who was running the press conference?

9 A I think the AMA Public Relations Office ran the  
10 press conference.

11 MR. KIZZIA: It's 6:00 o'clock, Chip.  
12 What do you want to do?

13 MR. BABCOCK: Leave.

14 MR. KIZZIA: Do you want to suspend the  
15 deposition at this point?

16 MR. BABCOCK: Unless you can assure me  
17 that you'll get done in the next few minutes, yeah.

18 MR. KIZZIA: I can't get done in the next  
19 few minutes.

20 MR. BABCOCK: How about the next 60  
21 minutes?

22 MR. KIZZIA: Probably not. Possibly in  
23 the next couple of hours.

24 MR. BABCOCK: The next 120 minutes? I  
25 don't think we'll care to wait for -- I don't think it's

1 fair to the witness to make him go two more hours.

2 MR. KIZZIA: I'm not suggesting that he do  
3 that. I'm just saying that I'm willing to do that if you  
4 want to do that.

5 MR. BABCOCK: I think we will discontinue  
6 now.

7 MR. KIZZIA: Do you want to discuss dates  
8 for reconvening now, or do you want to wait?

9 MR. BABCOCK: Is this off the record?

10 MR. KIZZIA: This doesn't need to be on  
11 the record.

12 (The Deposition was Adjourned.)

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C O R R I G E N D U M

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PAGE LINE CHANGE


DENNIS L. BREO

STATE OF ILLINOIS X

COUNTY OF COOK X

SUBSCRIBED AND SWORN TO by the said witness, Dennis L. Breo, on this the \_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission expires: \_\_\_\_\_  
STATE OF TEXAS )  
COUNTY OF DALLAS )

1 STATE OF TEXAS )

2 COUNTY OF DALLAS )

3  
4 I, Leslie K. Bodes, a Certified Shorthand Reporter  
5 duly commissioned and qualified in and for The State of  
6 Texas, do hereby certify that, pursuant to the Notice  
7 hereinbefore set forth there came before me on the 15th  
8 day of September at 9:00 o'clock a.m., at the offices of  
9 Jackson & Walker, 901 Main Street, Suite 6000, Dallas,  
10 Texas, the following named person, to-wit, Dennis L. Breo,  
11 who was by me duly sworn to testify the truth and nothing  
12 but the truth of his knowledge touching and concerning the  
13 matters in controversy in this cause; and that he was  
14 thereupon carefully examined upon his oath and his  
15 examination reduced to writing under my supervision; that  
16 to the best of my ability the deposition is a true record  
17 of the testimony given by the witness, same to be sworn to  
18 and subscribed by said witness before any Notary Public,  
19 pursuant to the agreement of the parties.

20 I further certify that I am neither attorney or  
21 counsel for, nor related to or employed by, any of the  
22 parties to the action in which this deposition is taken,  
23 and further that I am not a relative or employee of any  
24 attorney or counsel employed by the parties hereto, or  
25 financially interested in the action.

1 In witness whereof, I have hereunto set my hand and  
2 affixed my CSR seal this 18th day of September 1993.

3  
4 

5 LESLIE K. BODES, CSR #4805  
6 DIANA HENJUM REPORTING SERVICE, P.C.  
7 619 Mercury Avenue  
Suite 107  
Duncanville, Texas 75137  
(214) 780-5552

8 My Commission expires December 31, 1995

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13 Taxable cost of deposition: \$1,687.00

14 To be paid by Plaintiff  
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