

# Wecht Trial

Asked about Dr. Cyril Wecht's reputation for honesty and integrity, the forensic pathologist from Texas straddled a fence.

He said there were two schools of thought among the pathologists and attorneys and law enforcement officers he knew — that some have "an extremely high opinion" of Wecht's character, while others say it is "not good."

Take your choice.

Judge Robert Walker's decision was to order the testimony stricken from the record as meaningless. "Disregard it," he instructed the jury. What the witness had said was that Wecht is controversial.

Exactly.

And nothing could be closer to the truth.

On all sides of Wecht there seem to be loyal, trusting friends and remorseless enemies, with nobody in between.

During his trial on charges of using the



Roy  
McHugh

Columnist-at-large

county morgue as a private laboratory when he was coroner, the friends have turned up as witnesses for the prosecution, yielding certain facts to Assistant District Attorney Jim Lees but taking issue with his interpretation of them, and as witnesses for the defense, praising Wecht as the soul of honor and a man incapable of deliberately breaking the law.

The enemies, in Wecht's eyes, are just

## Boils Down To Friend

about everybody else, the judge and the jury excepted.

Certainly Wecht counts the prosecutor, Lees, as an enemy.

Lees is 29, a loose-knit former West Virginia University basketball player. After Stanley Preiser, Wecht's attorney, put his client on the witness stand, Lees cross-examined him doggedly and Wecht made little effort to keep from flaring up.

During one of his long, impassioned answers yesterday, the embattled county commissioner shook a finger at Lees and accused him, along with his colleagues in the district attorney's office, of "political vindictiveness." Lees stood and listened, gripping the rail in front of the judge's bench with both hands. Prosecutors often browbeat defendants, but this was the picture of a defendant browbeating a prosecutor.

The witness from Texas, Dr. Charles S. Petty, is director of the Southwest Institute of Forensic Science and chief medical examiner of Dallas.

He disputed Wecht's contention (a part of his defense) that the processing of surgical tissues is of educational value to pathologists. Attorney Preiser then suggested quite vigorously that Petty has it in for Wecht because they differed at one time on the question of how many bullets ended John F. Kennedy's life.

They don't now, by the way, Petty having apparently changed his mind. He believes it was two bullets rather than one, which has been Wecht's view all along. But on the subject of examining tissues, Petty backs off only an inch or two. As an educational tool, he finally admitted to Preiser, it is "better than nothing."

Petty's a bow-tie wearer, sedate and

gray-haired, rivaling Wecht in fluency, but infinitely slower on the draw. Wecht would be able to rattle off up to a dozen sentences while Petty was finishing one.

As Petty recited his qualifications for Assistant DA Charles DeMonaco, Wecht crossed his knees, studied his fingernails and flicked a piece of lint from his suit.

Wecht's own testimony, which covered, altogether, three days of tedium mixed with bursts of emotion, took something out of him — not, however, for long.

The minute Petty began to denigrate surgical slides, Wecht snapped back, full of energy again. Reaching for his felt-tipped pen, he filled sheets of paper with notes for the cross-examination while Lees glanced over and smiled.

But mostly there was no occasion for smiling. Wecht is a very formidable wrangler.

## Vs. Foe

# Wecht Prosecution Loses Ground

(A column by Roy McHugh, page A-4.)

By PAUL MARYNIAK

The prosecution's first attempt to rebut County Commissioner Cyril H. Wecht's reputation for honesty as well as the educational value of the private work he sent to the morgue appears to have backfired.

The apparent setback for prosecutors came as they called Dr. Charles S. Petty, chief medical examiner for Dallas, to open rebuttal testimony after the defense rested

its case in Wecht's trial on a charge he used the morgue for private gain while coroner.

The opening of rebuttal testimony indicated the jury may soon begin deliberations in Wecht's trial on a charge he used three morgue employees to process and examine \$115,000 worth of tissues from his private firm, Pittsburgh Pathology and Toxicology Inc. from 1974 through January, 1979.

Common Pleas Judge Robert L. Walker played a role in dealing the prosecution a setback with Petty when he ordered the jury to disregard the witness' statement that

Wecht's reputation for honesty and integrity is "not good" with "some" of his colleagues in the field of forensic pathology.

Noting that Petty had also testified "there are some people (in forensic pathology) who have an extremely high opinion" of Wecht's honesty and integrity, Walker told the jurors:

"It seems to me the witness' answer really was that Dr. Wecht's character is controversial. I don't view that as evidence of his reputation for honesty and integrity."

Petty also was asked by Assistant District Attorney Charles DeMon-  
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to give his opinion of the educational value of the more than 11,800 tissue specimens that morgue employees handled for Wecht's firm.

A cornerstone of Wecht's defense is that his firm's specimens helped him and other staff pathologists at the morgue maintain their professional proficiency.

Moreover, Wecht has testified that the specimens after 1972 became an "integral part" of the training program he established for "resident pathologists" — physicians who were training for a specialty in forensic pathology by working for a year at the morgue.

Seven experts in pathology from the defense also have testified that pathologists who work in a morgue cannot maintain their proficiency in examining tissues from corpses unless they have frequent exposure to "surgical tissue."

Surgical tissue, the kind Wecht's lab sent to the morgue, comes from living persons.

Petty testified that, based on the information he received from the prosecutors, the specimens from Wecht's lab "would be of very little, if any, value" to either staff or resident pathologists.

But on cross-examination, Petty conceded, "I suppose they (the private specimens) were better than nothing."

Petty, during direct examination, had explained that he believed there was little educational value in most

of the private specimens because a substantial number of them involved only tissue from the feet and because they showed no signs of any abnormalities.

But he admitted under cross-examination that pathologists generally examine any tissue removed from a person and that there is no way they can determine in advance whether the specimen will reveal some unusual abnormality.

Saying his opinion of the tissues from Wecht's lab "does not mean that looking at the specimens has no value," Petty also conceded he was unaware that Wecht's only source of surgical specimens for trainees at the morgue was his private lab.

Petty also testified that his opinion of the private tissues sent by Wecht's lab to the morgue was based on about a two-hour review of summaries of the diagnoses rather than a study of the actual tissue reports.

Those reports contain a patient history as well as an explanation of the reason why the tissue had been removed by a surgeon in the first place.

Petty contributed somewhat to Wecht's training since he supervised the resident pathology training program in the Baltimore Medical Examiner's Office when Wecht was there to complete his residency in forensic pathology.

The defense rested its case after Wecht completed five days on the witness stand, two of which were devoted to cross-examination.

The final hours of his cross-examination yesterday produced more fiery exchanges between the commissioner and Assistant District Attorney James B. Lees Jr.

Calling the case against him "ludicrous nonsense," Wecht at one point told Lees that he should "step outside" the courtroom and confront some of the commissioner's employees with the same kind of innuendo he has been making before the jury.

Wecht's suggestion came after the prosecutor questioned him on the value of free tests that the private firm performed for the morgue during Wecht's 14 years with the coroner's office.

Employed from 1966 to 1970 as chief forensic pathologist, Wecht was coroner from 1970 until last year when he became a county commissioner.

Lees implied that only Wecht has testified on the value of the free tests performed for the morgue and that he could find additional support only from some of his former morgue employees, primarily James Bentz, who is now Wecht's administrative aide at the commissioner's office.

Maintaining that other witnesses have also testified that his lab did free tests, Wecht said that Lees was suggesting Bentz would commit perjury just because he works for him. Then he said:

"Why don't you step outside and tell that to Jimmy Bentz to his face. You're very big for making statements inside a courtroom about people. Why don't you step outside

and make them."

Earlier Wecht noted that of the six criminal charges filed against him last October, only one remains.

Chief City Magistrate Alan S. Penkower dismissed two counts after the preliminary hearing, Walker has dismissed two others and the district attorney's office dropped a fifth.

"Five charges out of six dismissed before we ever got to one defense witness," Wecht said, "and all this comes from 1½ years of your input, with your investigators, and with your thousands of dollars, and with your controlled and contrived grand jury. All this is ludicrous nonsense."

Throughout the cross-examination Wecht repeated the main points he has been making since he took the witness stand last Tuesday.

He stressed the private work was an "integral component" of the professional operation of the coroner's office.

He noted that when he first brought the work to the morgue in 1968, he was concerned about maintaining his own proficiency as a pathologist and also wanted to cut down the time he would have spent at the private lab so that he could stay longer at the morgue and handle county work.

Reiterating the importance of the tissue work for resident pathologists, Wecht also stressed that the three employees whose services he allegedly abused spent only a brief part of their working day processing the tissues.

Wecht asserted, "It wasn't my purpose ever to set up my business at the coroner's office.

"You make it seem as if the money would have gone to Allegheny County in some way," Wecht told Lees. He was referring to the money his lab received for the private work done at the morgue.

"That's not money that would have gone to Allegheny County in any way," he added, noting that he could have had the tissue work performed for free after 1974 at Central Medical Center and Hospital.

"What kind of fool do you think I would have been?" Wecht asked Lees, as he noted that he never tried to hide the fact his private lab was sending tissue work to the morgue.

The commissioner has testified that as director of the pathology lab at Central Medical since the hospital opened in 1974, he could have easily sent specimens from Pittsburgh Pathology and Toxicology Laboratory for processing there.

He explained he didn't do so because he would not have been able to use the specimens in the training program for student pathologists.

He has also testified that he could not send the student pathologists to Central Medical or any other hospital because they were not licensed to practice medicine in Pennsylvania and because he needed them at the morgue at all times in case there were autopsies to be performed.

C. W. Clippings

Ms. Sylvia Meagher  
302 West 12th St.  
New York, N. Y. 10014

