

3/4/72 Hughes Case Stirs Forensic Unit

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By NANCY HICKS

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ATLANTA, March 3—The fact that handwriting experts incorrectly identified letters and check endorsements as having been written by Howard R. Hughes, the billionaire, has aroused considerable concern at the annual meeting of the American Academy of Forensic Scientists here.

The erroneous identification has had its heaviest impact on the handwriting experts in the 25-year-old academy, which consists of several hundred of the nation's scientific and medical experts who are called upon by the courts to identify authentic evidence.

For in addition to suffering the gentle needling and sarcasm of their fellow academy members, the handwriting analysts are having their scientific expertise questioned.

Jan Beck, the secretary of the Questioned Document Section of the academy, said that his testimony as an expert witness had already been challenged on the stand by a lawyer because of the Hughes case.

"Those in the field are really shook up," added Ordway Hilton, a well-known document specialist who was retained by the Hughes interests to examine the alleged handwriting samples involved in the controversy over a book about Mr. Hughes.

Professional Harm Seen

"We pride ourselves on the fact that we are people who do the work right and come up with the right answers," Mr. Hilton said. "That does not mean we don't have disagreements with each other. We do. But it's usually a question of degree—one expert is absolutely certain, another is pretty sure but is not absolutely certain."

This was not the case in the Hughes episode, Mr. Hilton said. "A case of this prominence really hurt the profession," he added.

But the problems of the profession are not confined to the handwriting specialists. The academy's pathologists—those responsible for most of the medical legal investigations and autopsies—are having problems of their own.

In recent years leaders have been calling for more uniform

autopsy procedures, including more legal training of pathologists and the replacement of elected coroners (who investigate deaths) with medical examiners trained in criminal evidence assessment procedures.

But despite the pleas of forensic scientists, poor initial post-mortem investigation has been responsible for tremendous controversy surrounding the most recent deaths of national concern, according to the academy president, Dr. Cyril H. Wecht of Pittsburgh.

The result of this controversy is that legal medical experts are still having formal discussions on the assassinations of John F. Kennedy; the Rev. Dr. Martin Luther King Jr.; Robert F. Kennedy; Fred Hampton, the Black Panther party leader killed in his sleep during a Chicago police raid; and on those who were killed during the Attica Prison revolt.

Attica Reports Scored

At Attica more than 40 inmates and guards were shot to death by state troopers retaking the prison. Initial reports had said that many of the casualties were the result of throat-slashing by the inmates.

"There were a thousand valid questions raised by Attica. None of them should have been on how the people died. This is a factual matter that should not have come under question," said Dr. Michael M. Baden, assistant chief medical examiner for New York City and program chairman for the meeting.

Many of the delegates to the meetings here, as a result of the controversy swirling around forensic scientists, feel that the stated purpose of the academy—to upgrade the quality of pretrial investigation and courtroom testimony—has not yet been realized.

Further complicating the burden of legal specialists in court has been the fact that criminal law decisions of the United States Supreme Court under former Chief Justice Earl Warren have indirectly forced changes in criminal investigation procedures.

The use of technological devices in investigations has increased, it was noted by Jay Schwartz of Racine, Wis., who is secretary of the academy's jurisprudence section.

"The Warren Court showed great distrust of confession and

eyewitness testimony, which forced more objective kinds of measuring instruments to be used," he noted.

The problem with technology, many lawyers said, is that most of the expertise is employed by the Government.

"Technical scientific aids—such as the use of polygraph lie detector test—are now widely used by the police at their pleasure, but not across the boards," said F. Lee Bailey, the trial lawyer who has endorsed the use of polygraphs on people who plead not guilty.

"Polygraph has become so good in the last 10 years that no one can get by it now. I've been offering \$1,000 for the last 11 years if anyone can fool it, and I haven't paid the bet yet," Mr. Bailey said.

Other lawyers noted that technology was both aiding and obscuring the criminal justice process. One example of this is the rapid proliferation of new drug compounds and new chemicals that make the criminalist's job extremely difficult, according to Theodore R. Elzerman of Illinois, who is secretary of the criminalist section.

For each new compound put on the market, a test has to be created to trace it in the body, he said. When heroin was the primary illegal drug used, it was fairly easy, he added, but now there are scores of different drugs available.

Irving, With His Attorneys, Meets With Prosecutors

Clifford Irving and his attorneys met with Federal and county prosecutors for six and a half hours yesterday at the Federal Court House on Foley Square.

A lawyer for the author, who is under investigation in connection with his purported autobiography of Howard R. Hughes, later described the talks as "very satisfactory." No further details about the meeting were made public.

The meeting was the first one in about three weeks between the prosecutors and Mr. Irving. It began at about 2 P.M. and appeared to end as Mr. Irving and his attorneys, Maurice Nessen and Philip Lorber, left at nearly 8:30.

Neither Mr. Irving's wife, Edith, nor his literary researcher, Richard Suskind, was present at the meeting.