

Consideration of Autopsy Said Lawyer's Concern

Legal Association Holds Conference Here

The John F. Kennedy murder case should have been a simple one.

It turned into "a sorry mess" largely because there was no forensic pathologist on the scene in Dallas, Tex.

"Many lawyers don't appreciate the fact that autopsies are not being done by pathologists in their communities," Dr. Cyril H. Wecht, Pittsburgh pathologist, told members of the American Trial Lawyers Association here Friday.

The group is meeting through Saturday at the Jung Hotel for a seminar in criminal law.

"However, in pathology there is a vast degree of opinion; it's not pure science," Dr. Wecht added.

Because of this he urged that criminal lawyers "get involved early in the game," boning up on medical records of those connected with their case.

In criminal cases throughout the U.S., lawyers on both sides don't do the job they could or should, he said.

MUCH TO OFFER

Though there is much the pathologist can offer in criminal cases, because of the amount of opinion involved, lawyers should be so concerned as to be in on the autopsy, Wecht said.

For the district attorney's office to be able to clear an autopsy report is "nonsense," the physicians said, adding, "we are not an arm of the prosecuting attorney."

Lawyers should consider carefully, he said, the time and place of death, the weapon used, and the angle and range of fire.

Bringing to mind another Kennedy's death—Sen. Robert Kennedy—Dr. Wecht discussed the XYY chromosome, which was raised as an issue in the trial of Sirhan Sirhan.

Psychiatrists do know that the existence of this chromosome is

related to hostility and aggressive behavior, he said.

But, he added, "Most men feel they don't know enough science to say this should be sufficient in itself to permit a man to be exonerated."

A second speaker, Professor Paul Liacos of Boston University School of Law, discussed the Fourth Amendment, which deals with search and seizure.

"The Fourth Amendment protects both people and property," he said.

SEARCH DEFINED

It precludes only "unreasonable" search, he said defining this as search: without a warrant, without sufficient cause, too broad, or without a proper purpose.

Also, Liacos said, "Consent for a search obtained by duress, fraud, or lack of knowledge on constitutional rights, makes it invalid."

This speaker predicted that the Supreme Court would tend toward "rather strict interpretation" in future rulings.

Another lecturer, William H. Erickson, outstanding Denver attorney, said the new electronic surveillance Congress has permitted has brought about "a great deal of freedom."

Title 3 of the Omnibus Crime Control Act of 1968, he said, "gives policemen the right to perform electronic surveillance acts provided they follow warrant practice."

This is so that the individual can be protected without policemen being "hamstrung," he commented.

WIRETAP CRIMINAL

Before the new laws, he said, wiretapping was a criminal act if it involved both interception and divulgence.

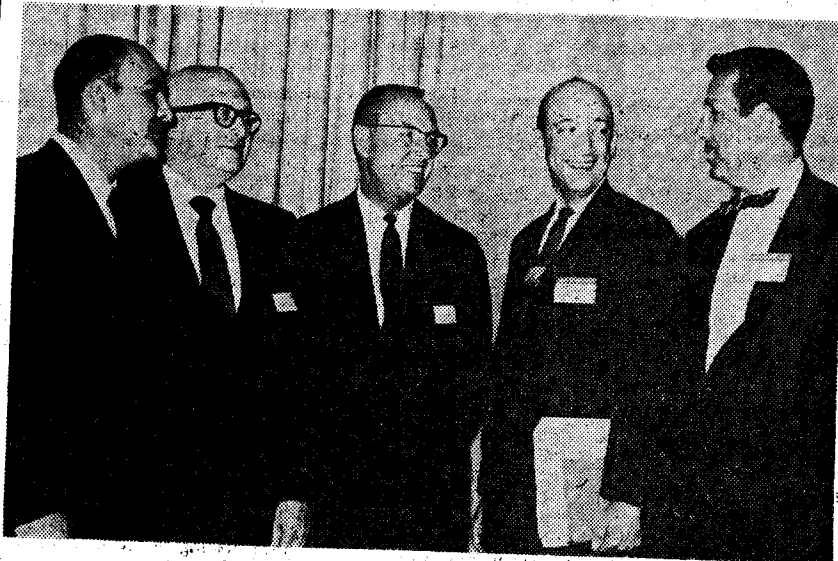
Theodore Koskoff, Bridgeport, Conn., attorney, stressed the importance of "trying to explore the juror's prejudice and to appeal to his higher reason."

In an interview, a speaker slated for Saturday, Henry B. Rothblatt of New York City, said student dissidents feel they have the right to violate laws they believe are imposed upon them by immoral government officials.

They must be shown, he said, "we are willing to make changes, within the makeup of the constitution."

In the area of criminal law, he said, "the trial is the rarity." About 90 per cent of the criminal cases are disposed out of court, he added.

Principals at Law Seminar Here



CRIMINAL LAW SPEAKERS at the first day of a seminar being sponsored through Saturday at the Jung Hotel by the American Trial Lawyers Association are (from left) Dr. Cyril H. Wecht, of Pittsburgh, Pa.; Theo-

—Photo by The Times-Picayune.
dore I. Koskoff, Bridgeport, Conn., attorney; William H. Erickson, Denver lawyer; Paul Liacos, Boston University School of Law professor; and Henry B. Rothblatt, New York City criminal lawyer.

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