

GUEST EDITORIAL



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The Legacy of Nixon—and Quincy

Perhaps it began with Watergate: the precipitating of confidence into the abyss of disbelief. Tolerance of citizens for the small errors of their government was shattered by their realization of major deceit on the part of their highest elected official. The mood of the people affected even the medicolegal officials, both elected and appointed. Citizens and the media alike now deemed it necessary and appropriate to question the determination and decisions, the rulings and resolutions of the many questions relating to death investigation.

Then came Quincy. This program featured scientific death investigation. Citizens who had never even heard the term "autopsy" were now introduced to a glamorized version of the medicolegal death investigator's public (and sometimes private) life. The age of

the exhumation autopsy and re-autopsy was about to begin. Now, the public knew that the dead could instruct the living, and, in not a few instances, provide a pot-full of money for the surviving relatives.

So was set the stage for the next phase: interdigitation of disbelief and a “hyped-up,” inaccurate view of scientific death investigation. A state of anomie regarding the scientific investigation of death resulted. The effects of this are still being felt and will be felt for years to come. Some selected examples may be appropriate at this time:

The Open Records Act

In many states the medicolegal autopsy report itself has been long considered to be a public record. In other states it is considered to be a medical record and, therefore, is accorded some degree of confidentiality (privilege). However, an ever-increasing number of states have open records acts that have declared not only the autopsy report but all of the records (including notes, diagrams, records of telephone conversations, photographs, X-ray films, microscopic slides, and so forth) of the medical examiner to be open for inspection by anyone (perhaps even without a “need to know”). The ball game has changed in a drastic manner. An ever-increasing number of demands for copies of records, photographs, and the like places a burden upon the staff of the medical examiner, and imposes unanticipated stresses upon the budget.

Worse still, the availability of the records imposes a second- and third-degree escalation of effort: written interrogatories to be answered and notarized, depositions to be made, not to mention more telephone calls to be answered, and more initial inquiries from families of deceased persons.

No thinking medical examiner would attempt to block any of this activity, but it all takes time—clerical time, technical time, professional time—when tax dollars are scarce and budgets are constantly being trimmed.

Police-Involved Deaths

These deaths seem to be of two principal types: deaths that occur when individuals are being taken into or are already in custody and deaths that occur in a confrontational manner. Both involve law enforcement officers. Frequently, these deaths are looked upon as evidence of the reckless application of the malignant strength of the armed police. Some such deaths at the hands of police (and jailers) are unjustified, but not all are so. Because of the media, the public, and the police, intense pressure is felt by medical examiners who may be desirous of achieving an impossible triple goal: good public relations, allaying the apprehension of the public, and maintaining good working relationships with the police. There can be no doubt that in the background lurks the legacy of Nixon and Quincy.

Pseudo-Experts

The diminution of credibility and the popularized view of the medical examiner (and other forensic scientists) have fostered a fairly large number of pseudo-experts. These are drawn to the courtroom by avarice, glamour (and the need for ego satisfaction), and the urgent demand by the courts for scientific evidence. These pseudo-experts are of two main types: charlatans (not necessarily new arrivals in the courtroom, but nonetheless appearing in steadily increasing numbers), and good scientists who, by virtue of forensic science inexperience, attempt to apply pure laboratory techniques and standards directly to forensic specimens. Such specimens are frequently of poor quality, diluted, admixed, contaminated, clotted, or burned and have often encountered all manner of intervening

factors which would render the specimen unfit for ordinary laboratory analysis. But this type of pseudo-expert apparently has no qualms about testifying just as if the specimen were perfect enough for the “pure” science laboratory. The results may be not only misleading but often absolutely wrong. The pseudo-expert does not realize this and goes about testifying honestly, drawing the wrong conclusion and sending the wagon of justice down the wrong track.

Teaching of Forensic Science Subjects

This is the day of lack of credibility—bad enough by itself, but frequently compounded by the ready availability of audiotapes, videotapes, and “teachers” ready to rise to the occasion. The videotapes of a very fine instructor played and replayed and commented upon and recommended upon by “teachers” who do not have the necessary background of knowledge and experience may render the videotape a useless tool, and misinformation may be foisted upon the audience. Thus, an initial valid teaching effort can become a vehicle for misleading the audience. A glance at the program of scientific crime or death investigation “courses,” as instigated by some schools, quickly reveals the inferior quality of the faculty, and in many instances, the emphasis is placed upon the spectacular phases of forensics.

The above four “spin-offs” of the Nixon-Quincy legacy are those that easily come to mind. There are many others. But, perhaps the brief message contained here is that scientific death investigation and scientific crime investigation are remarkably changed from what they were only a generation ago. These are “negative changes,” which are affecting all of us in the forensic sciences and which have altered forever the science and art of our chosen work.

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