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March 12, 1958

Mr. T. Clement Gaughan
Attorney at Law
Trust Building
Lincoln, Nebraska

Dear Mr. Gaughan:

I understand that you and Mr. Matschullat have been appointed by the Court to represent Charles Starkweather in his trial for first degree murder. We, as Brief printers, would like to offer our services to you at no cost, should you wish to carry the case to a higher court.

We offer this service, not because we are in sympathy with the case of your client, but because we are interested in justice and realize that funds are probably not available to insure this boy receiving his full measure of justice. You and your associate will do all you can and we, as Brief printers, offer our services to you should you wish to carry this case to higher courts and thus find a need for Briefs.

Respectfully,

H. W. Gochnauer
President

HWG:rb

NATHAN GREENBAUM, Ph.D.

425 EAST 63rd STREET
KANSAS CITY 10, MISSOURI

DElmar 3-1311

CLINICAL PSYCHOLOGY

April 3, 1958


Mr. T. C. Gaughan
920 Trust Building
Lincoln, Nebraska

Dear Mr. Gaughan:

Dr. John O'Hearne has asked me to join him on Wednesday, April 9, for the purpose of examining your client at Lincoln, Nebraska. My examination will consist of a series of psychological tests which will take four to five hours. I am writing you at this time to confirm these plans with you.

I understand also that the fee for the day will be \$250.00.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'N. Greenbaum', with a long horizontal flourish extending to the right.

Nathan Greenbaum, Ph.D.

NG:kb

KARL E. HOLDERLE, JR.
TYREE C. DERRICK

KARL E. HOLDERLE, JR.
ATTORNEY AT LAW
SUITE 1310 MISSISSIPPI VALLEY BUILDING
506 OLIVE
ST. LOUIS 1, MO.

CHESTNUT 1-4179

March 13, 1958

Mr. T. Clement Gaughan
919 Trust Building
Lincoln, Nebraska

Re: June Collison

Dear Mr. Gaughan:

I represent June Collison, the widow of Merle Collison, who was killed at Douglas, Wyoming. I have filed a claim for Mrs. Collison before the Missouri Workmen's Compensation Commission to secure an award for her arising out of the death of her husband while he was engaged in his work as a traveling salesman for the Brauer Bros. Shoe Company here in St. Louis.

In order to establish this claim, I would like to have certain information from Mr. Starkweather, whom I understand you represent. Mr. Collison was a shoe salesman for the Brauer Bros. Shoe Company and at the time of his death he was en route from one customer to another and had stopped along the highway to rest, at which time the fatality occurred. I would like to have certain information as to what provoked the shooting. I know that you have the interest of your client, Mr. Starkweather, to protect but if possible, I would like to have the facts surrounding this shooting. I would like to know whether Mr. Collison was asleep at the time Mr. Starkweather came up. I would also like to know whether Mr. Collison refused to open the door of his automobile or what it was that provoked the shooting. I would like to know whether there was any exchange of words between Mr. Starkweather and Mr. Collison and if so, what they were.

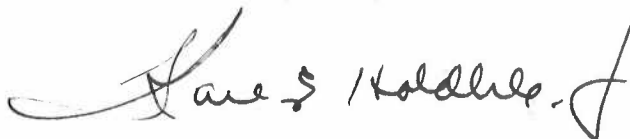
In order to establish a claim under our Workmen's Compensation Act, it is necessary to show that Mr. Collison was killed in an act arising out of and in the course of his employment. We, of course, know that Mr. Collison was out selling shoes and of course, this happened during the "course" of his employment but the other question that we have to show is that it arose "out of" his employment. What it will be necessary for us to do is to show that Mr. Collison was within the line of his duty at the time he was killed and that he was doing something to further the interest of his employer. We know that he had a complete line of shoe samples in his automobile at the time and also other company property and we wondered whether Mr. Collison may have been attempting to protect his company's property in refusing to open his automobile and that may have provoked the shooting. In any event, I am quite anxious to learn as much as I can about the circumstances surrounding this shooting and, of course, only Mr. Starkweather can give that information since Mr. Collison is dead.

I would appreciate it if you would give this request your serious consideration and secure whatever information for me you think that you can get. If you would like to discuss the matter with me further, I would be very happy to discuss it with you and I want you to feel free to call me collect to discuss the matter.

If I am able to get sufficient valuable information, I would probably want to take a deposition of Mr. Starkweather or else have certain interrogatories answered.

Thank you very much for your consideration to this matter. Establishing a claim on behalf of the widow, June Collison, is quite important to her and we want to do all we can in her behalf. Merle Collison left surviving him his widow, June Collison, a son, four months old, and a child not yet born.

Yours very truly,

A handwritten signature in cursive script, reading "Karl E. Holderle, Jr.", written in dark ink.

Karl E. Holderle, Jr.

KEH/dlf

TYREE C. DERRICK
KARL E. HOLDERLE, JR.

TYREE C. DERRICK
ATTORNEY AT LAW
SUITE 1310 MISSISSIPPI VALLEY BUILDING
506 OLIVE
ST. LOUIS 1, MO.

CHESTNUT 1-4179

July 22, 1958

Gaughan and Mattschulat
Attorneys at Law
919 Trust Building
Lincoln, Nebraska

Re: Workmen's Compensation Claim of
June Collison.

Injury No. RR-6287
Insurers No. 82-30106

Employee - Merle D. Collison (Deceased)
Employer - Brauer Bros. Shoe Co.
22 South Sarah
St. Louis, Missouri

Insurer - Bituminous Casualty Co.
722 Chestnut
St. Louis, Missouri

Dependent - June A. Collison
Box 1191, Great Falls, Montana

Claimant's Attorneys:
Karl E. Holderle, Jr.
Tyree C. Derrick
506 Olive Street
St. Louis 1, Missouri

Date of Death: January 29, 1958

Place: 13 miles west of Douglas,
Wyoming

Gentlemen:

I am writing confirming our recent telephone conversation with respect to depositions to be taken in Lincoln in the above captioned matter, and in which you agreed to act in behalf of the claimant at the taking of the deposition of Caril Ann Fugate which is being taken on behalf of the employer, and to act in behalf of the claimant and to take the deposition of Charles R. Starkweather on her behalf.

These depositions are scheduled for Friday, August 8th. As soon as I have been advised by the attorney for the employer of the exact time and place for the taking of Caril Fugate's deposition, I will let you know. You will have to make the necessary arrangements for a time and place for taking Starkweather's deposition.

The depositions are being taken by agreement and notice of the time and place of taking is waived and you must so stipulate in the deposition. You must also stipulate that the depositions may be read in evidence. You may also stipulate that signatures be waived.

Under our rules of evidence in Missouri, objections must be made to any questions at the time it is asked and the reasons for the objection stated; a motion should be made at the time to strike any answer, giving the reason. After the proper objection to any question is made, you may permit the witness to give his answer subject to the objection and the Court can rule on the matter at the hearing. Of course, any evidence that might incriminate Mr. Starkweather or be of a privileged character is objectionable and you can instruct him not to answer on that ground. You will, of course, protect Mr. Starkweather from giving any incriminating evidence which may be injurious to his case.

You are much more acquainted with the actual facts in this matter than we are but I will give you a little information with respect to our claim so that you will have the necessary background to take the deposition.

Merle D. Collison was a resident of Great Falls, Montana. He was survived by a wife, June Collison, and a child, Dennis, age, 4 months. His wife is also expecting another child in September.

Mr. Collison was employed as a shoe salesman by Brauer Brothers Shoe Co., which is located in St. Louis. The contract of employment was in St. Louis and he is covered by the Missouri Workmen's Compensation Act. His territory included the middle northwest. His duties were to call on various accounts and sell shoes. He was paid on a commission basis but was given a drawing account. In connection with his work, he carried a full line of shoe samples which were the property of Brauer Bros. Shoe Co. The employer also furnished him with order blanks which he completed and returned to the company.

At the time he was killed, he was en route to call on a customer. He had made a call in Casper, Wyoming that morning and after leaving that customer, was en route to the next. Distances between customers in that territory are great, and apparently he had stopped to rest at the time Starkweather came along. It is customary among salesmen in that territory to drive awhile, rest, and drive on again.

At the time he was killed, he had a complete line of shoe samples in his automobile, along with the various order blanks and stationery furnished by the

employer. Part of the shoe samples were in the back seat of his car, together with his suitcase containing his personal clothing. Also in the auto with him were his order blanks, some of which were completed and ready for mailing. The balance of the shoe samples were in the trunk of his car.

The claim has been filed before the Missouri Division of Workmen's Compensation. The employer and insurer have filed the following answer:

"Comes now the above named employer and insurer and for answer to claimant's claim for compensation admit that said employer, Brauer Bros. Shoe Company, was operating under and subject to the provisions of the Missouri Workmen's Compensation Act on January 29, 1958, as that on said date its Workmen's Compensation liability was fully covered by the Bituminous Casualty Corporation.

"For further answer the said employer and insurer deny each and every other allegation contained in claimant's said claim for compensation".

From the above it becomes apparent that we will have to prove every essential element of our case. The important things that we will have to prove are that he was killed while in the "course" of his employment and by an act arising "out" of his employment. We will have no problem showing that he was in the course of his employment. The difficulty will be in showing that the accident arose out of his employment. In this connection, it will be necessary for us to show that Mr. Collison, in resisting Mr. Starkweather, was attempting to protect company property and that is what provoked the shooting; otherwise we cannot make a case. However, in my telephone conversations with you, you said that your discussions with Starkweather on this subject indicated that Collison was attempting to protect his samples and did resist because of it, so that should solve that problem.

In order to assist you in the taking of Starkweather's deposition, we have checked the applicable Missouri Cases and I will give you a resume of a few of them, together with the citations so that you can acquaint yourself with the law without having to waste a lot of time in research.

An important and somewhat comparable case in Missouri is the case of Sweeney vs. Sweeney Tire Store, 49 SW (2) 205. In this case the deceased was an employee and officer of the Sweeney Tire Store. One Sunday, the deceased, his father, and a man who changed tires were alone in the store when three armed bandits entered and rifled the cash register. In resisting the holdup, deceased was shot and killed. It was held that his death arose "out" of the employment. The Court said l. c. 207:

"Viewing his status in that light, it would seem to us logically to follow that the protection and preservation of the company's

property was incidental to his employment. Ordinarily the scope of that duty would not have led to resistance to armed robbers, but when such peril to the property presented itself, how can we say the deceased, in offering resistance to the robbers, was acting the less within the legitimate scope of his employment than if he had merely been securing and protecting the property against loss from any other cause?"

"The designs of the robbers were not against the deceased personally, but against his employer's property. It was not his own possession which he was attempting to protect, but the property of his employer. The act of resisting the robbers was reasonably related to the general service which the deceased was employed to render, and it was undertaken by him in good faith and in furtherance of the employer's business. The risk was not in all events an anticipated one; the act of the deceased was doubtless rash and foolhardy; but now that his death followed, it appears under all the circumstances of the case to have had its origin in a risk connected with the employment, and to have flowed from that source as a rational consequence. We rule therefore that there is sufficient competent evidence in the record to warrant the finding that the death was by accident arising out of and in the course of the employment***".

Another case is that of *Macalik vs. Planters Realty*, 144 SW (2) 158. In that case a painter foreman was killed during the night while in his office making out time slips. The night watchman was also found shot with a pistol beside him. The evidence (though circumstantial) showed that the foreman had discharged the night watchman's son and that presumably the watchman killed the foreman and then took his own life. This was held to arise "out" of the employment.

In the case of *Carlton vs. Henwood*, 115 SW (2) 172, an employee surprised a burglar on the company's premises and was shot. In holding that it arose "out" of employment the Court pointed out that they are inclined to favor employees who are attempting to further the employer's business even though what they do is somewhat outside the precise scope of the employment. The Court points out, however, that the employee cannot be in the position of a volunteer.

In *Kaiser vs. Reardon*, 195 SW (2) 477, one employee shot another and the Court pointed out that in order to support a recovery, the argument that led to the shooting could not be based on a personal argument, there had to be some connection with the employer's business, which in this case was the attempt of the stock clerk to prevent another employee from stealing some paint.

The cases in which the Court has denied recovery and held that the accident did not arise "out" of the employment were those where the assault was

not connected with the employment and the reason for the assault was personal to the individuals. For example in Foster vs. Ames Dairy, 263 SW (2) 421, a milk driver was stabbed making a delivery, but here a personal quarrel between the parties led to the stabbing. In another case, Toole vs. Bechtel, 291 SW (2) 874, a laborer was found shot to death and the Court held this was due to a personal assault and had no connection with the work. Incidentally, this is a good case to read, and the Court discusses the problem and the applicable law very thoroughly.

Another case where recovery was denied was May vs. Ozark Telephone, 272 SW (2) 845. Here the employee was shot while clearing land for telephone lines and the Court said it made no difference whether employee was killed by the bullet of a hunter or a murderer, because neither arose out of the employment and had no connection with the work the employee was performing.

From the above cases, I believe it is apparent that in order to recover, we will have to make a positive showing that Collison was attempting to protect his employer's property when he was shot.

If there is any further information you want which we can supply, do not hesitate to call us collect or communicate your desires to us.

We have this case on a contingent fee basis under the limitations prescribed by Missouri Statute but we do not expect you to accept this employment under the same circumstances. Whatever your charges are, we will pay you for your time and trouble.

Mr. Holderle and I want to thank you for your courtesy and friendliness in talking to you and express our sincere gratitude for your help in this matter.

Yours very truly,


Tyree C. Derrick

TCD/dlf

NATHAN GREENBAUM, Ph.D.

425 EAST 63rd STREET

KANSAS CITY 10, MISSOURI

DElmar 3-1311

CLINICAL PSYCHOLOGY

Mr. T. Clement Gaughan
Trust Building
Lincoln, Nebraska

Re: Charles Starkweather

Dear Mr. Gaughan:

On April 9, 1958, at the State Penitentiary, Lincoln, Nebraska, I observed and examined Charles Starkweather, in the company of Dr. John O'Hearne. We spent approximately eight and one-half hours with the defendant on that day.

On the basis of my observations and the results and analysis of the psychological tests, it is my opinion that Charles Starkweather suffers from a severe mental defect and mental illness. One consequence of this condition is that he was rendered incapable of making use of his usual judgment at the time of his commission of the crime. His condition impairs or negates his capacity to use the knowledge he may have of the difference between right and wrong, and has negated such capacity at the time of the commission of the crime. I believe that the crime was committed under the press of abnormal flooding of aggressive impulses which at other times are more or less controlled; and by virtue of an abnormal incapacity to keep these aggressive impulses under control. Under certain conditions of stress, particularly when he perceives external events,—correctly or not,—as personally threatening, he is led to react in a most inappropriate way, with a disproportionate measure of unrestrained violence.

These conclusions are based on examination and evaluation of the defendant's present mental state, and are not necessarily contingent on any special knowledge of the details surrounding the criminal acts. In other words, the same conclusions about his mental status and his disposition to react in an explosively violent manner could have been discernible even before the commission of any crimes. The data permit us to evaluate the total personality, to sample various aspects of his functioning, and to get some idea as to how he is likely to react under different circumstances and conditions. Thus, this boy is seen clearly as a rather "primitive" person, one who has never managed to adapt himself to the demands of reality and to accept the limits, restrictions, and prohibitions which society imposes on all of us. The reasons for such a state of affairs are not entirely clear, but they may very well be the result of a combination of constitutional, or built-in, factors,

plus a unique pattern of environmental influences. In other words, it is possible that this is due in part to a "freak" of nature, but the fact is that we really do not know very much yet about the causes of such conditions. At any rate, he has never become an integrated member of society, and he has never developed any close contacts with other people. He does not have the capacity to experience emotions in a meaningful way, and the ordinary aspects of everyday relationships with other people which are vitally important and built into the personalities of most people, find no place in the life of the defendant. To a certain extent he has managed to maintain sufficient and adequate controls over his impulses, but this control is at best only skin deep. We can understand him as someone who has not been thoroughly "domesticated." In contrast to other people who might find themselves in similar circumstances of stress or danger, the defendant is not able to respond appropriately or to perceive adequately the reaction which would best fit that situation. While many people may often be confronted with comparable situations of extreme panic, fright and danger,--and even considering the likelihood that they would be overwhelmed by their own rage and desire to protect themselves and hurt the antagonist,--there would still be a part of the mind which would function adequately to evaluate the possible consequences of any acts of violence. This is clearly absent in the case of the defendant. Once an impulse comes upon him he does not have the capacity for delaying even momentarily the execution of this impulse,--a delay which would afford him a chance to consider the real nature and the situation before him and the possible consequence of his act. Furthermore, he not only fails to possess the capacity to reflect on possible consequences, but he is also entirely unmindful of the enormity of the act of taking someone else's life. Such capacities are of course necessary and essential aspects present in any socialized person, but they are factors which are conspicuously lacking in Starkweather. For him, other people and life do not have the same meaning as for normal people, and the gravity of the action of taking someone's life has no more significance to him than casually crushing a bug which crosses his path. To put it still another way, at the time he committed the murders he perceived these people as momentarily getting into his way, and he consequently thought nothing more of doing away with them than he would think of running over a twig which lies across the road. It is significant that each of the people whom he admitted killing, (in the course of our examination), were those whom he perceived as in some manner getting in his way or vaguely threatening to his own progress. (He certainly must have confronted many other people during his five days or so on the road, in addition to those he killed.)

Aggression, or violence, in one moderate and controlled form or another is an important and prominent feature in the lives of all people. Two considerations, however, are essential in evaluating the normality of the person insofar as aggressive urges are concerned. One is the intensity or the volume of these internal pressures, and the other is the capacity for keeping these forces tamed and

under control, allowing them only moderate and socially acceptable expressions and outlets. In the case of Starkweather we find deficiencies or abnormalities in both respects. On the one hand, he possesses an abnormally large quantity of these violent pressures and urges which constantly strive for expression; and on the other hand, he lacks a normal capacity for inhibition, restraint, and control, which are the absolutely essential requirements of socialized existence. As a consequence of this combination, we find him much too easily prone to outbursts and explosions of a violent nature, untamed and unharneessed. His "emotional gun" is always cocked, and it is equipped with nothing more than a hair trigger. Moreover, to use another analogy, once the flood gates have been opened even just a little, the dam bursts, and there is no stemming the tide until the energy is spent. Starkweather's personality in this respect is also comparable to the wild beast who has been somewhat tamed and domesticated, but whose primitive jungle impulses of violence and destruction return easily, and the first taste of blood serves to break through the superficial crust of domestication, easily leading to a wild rampage. Under ordinary circumstances, he actually makes an effort to control himself and to avoid situations which might be too stimulating and exciting and which might lead him to outbursts of violence. However, it is apparent that once these restraints have been eliminated, once the facade of civilized control has been broken through, he finds himself unable to put a stop to his rampage, while each act may serve as an exciting stimulant to the next.

Starkweather's I.Q. is 97, and this places him at the "average" level of intelligence. However, it is important to understand that intelligence is not composed of a single factor, like a figure which would tell how tall a person is. Rather, it represents a wide variety of mental faculties and is a much more complex matter than is generally understood. In this case, we find that in some respects Starkweather's understanding of and reaction to the world places him at a level of intelligence which is well below average; while in other respects, his performance is above average in intelligence.

We find also significant and serious defects in the emotional aspects of his life. He is unable to experience or to feel those things which become part of the everyday life of most people, and he is devoid of the emotions, such as sympathy, compassion, understanding, which permit most people to establish close and meaningful relationships with others. He does not have the capacity to genuinely experience the meaning of violent acts, because his isolation and detachment from other people prevent him from comprehending or appreciating what other people feel. Such a shortcoming is a most serious defect of the personality, and is particularly pertinent to the evaluation of the defendant's capacity to use any knowledge he may have of the difference between right and wrong. The knowledge of right or wrong, in itself, has no psychological meaning at all; it is meaningful only when a person can fully comprehend and experience and feel such distinctions, and when he can use and apply such knowledge when necessary. Otherwise, it is no more than a series of meaningless words, like

explaining to a blind person the meaning of a color. The blind person might learn to repeat a definition or description of, say, a green leaf, but it obviously does not have a place within his experience. In contrast, the seeing person "knows" the meaning of the color green in a profound and personal way which is much more real than a mere intellectual repetition of empty words. Starkweather has nothing more, at best, than such an empty knowledge of the difference between right and wrong. And the crucial point is that he is incapable by virtue of his mental defect and illness to put to use any such knowledge at the appropriate time and in an appropriate way. Just as the murders have had no meaning to him, he is incapable of experiencing anything approaching remorse or guilt or pangs of conscience. He is aware that these acts have gotten him into personal difficulties, but without any appreciation of what they have meant to the victims and to their survivors. He is so thoroughly isolated and detached from social membership that such considerations never even enter his mind, and find no place in his way of life. Nor is he capable of recognizing that these acts have been performed without adequate or sufficient motivation, and that they are of such a grossly irrational and abnormal nature. His gross and abnormal indifference to other people, and the magnitude of his illness, is also represented in part by the equanimity with which he can entertain the notion of having sexual relations with dead women, and the considerable likelihood that he has actually attempted such an act. Starkweather unconsciously sees himself as a small and puny creature, often at the mercy of others. Abetted by his social isolation, he experiences himself as a vulnerable stranger in an alien world of people, a situation which disposes him to perceive threats and danger even when such conclusions are not realistically justified. As such, we see also certain paranoid elements in his personality.

If premeditation is a pertinent issue here, we can say that there was not any conscious premeditation in any of the murders. Premeditation implies the capacity of delaying an impulse which arises, and considering and judging the consequence of such action, while the action is being restrained before the act is committed. Such capacity for delay of impulse is grossly lacking in Starkweather, and there is instead a short-circuiting of this normal process, going directly from the impulse to the action, without any intervening process of judgment or reflection or conscious intent.

Finally, a word about diagnosis. We wish to emphasize that no single diagnosis, no single word or phrase can be applied to adequately or completely describe the defendant's mental condition. It should be made clear that the meaning of a diagnosis is often misunderstood or overemphasized. It is nothing more than a general classification system which serves to categorize illnesses on the basis of gross similarities. It is of course easily recognized that no two people are alike, so that it is much more important to understand each individual as a unique person, rather than lumping him together with a group of other people who have some features in common. Consequently, it is of greater value and much more meaningful to describe major

factors and characteristics which are found in the examination, than to find one single word which will cover all of the varied and complex findings.

Regarding some of the technicalities of psychological testing, I would like to offer the following observations. I have administered a series of standard psychological tests which are routinely used in examinations of this kind. I administered the Rorschach Ink Blot Test, the Wechsler-Bellevue Test of Intelligence, the Thematic Apperception Test, the Sentence Completion Test, the Bender Visual-Motor Gestalt Test, the Graham-Kendall Test, Memory Test, and the Draw-A-Person Test. In addition to the broad scope which is covered by these tests, they are of particular value because they do not permit any kind of deception or malingering or lying on the part of the subject. So long as the subject is cooperative in the testing (and Starkweather was cooperative during the entire testing), he will reveal many things about himself which he does not know he is revealing. This is true particularly because the tests are of such a nature that the subject cannot possibly know the meaning of what he is saying, nor can he have any idea of what is "expected" in the tests, since nothing specific is ordinarily expected on most of these tests. Similarly, there are no "right" or "wrong" answers for most of these tests, so that there can be no wilful distortion or deception. Thus, even someone who has some familiarity with the tests will find it impossible to deceive a skillful psychologist. (For example, I have examined many people who were familiar with the tests but such familiarity has never interfered with the validity of the tests). Another reason why the tests are foolproof is that the information derived through them reveals not only the conscious part of the subject's mind, but to a very considerable extent various aspects of his unconscious mind, that part of the mind which controls most behavior and dominates most actions. Furthermore, because the tests are standard ones, that is, the same tests are given to many other people, we have a basis of comparison with the performance of others on the same tests.

This brings us to some comments about the clinical psychologist and his functions. Clinical psychology is a branch of the larger field of psychology, and specializes in the understanding of people with emotional disorders and mental illness in general. Practically every psychiatric center in this country employs staff clinical psychologists who work along with the other professional staff members. One of the major functions of the clinical psychologists is the application of his special knowledge of diagnostic techniques. It should be emphasized, however, that the administration of the psychological tests is not at all similar to anything like the work of a laboratory technician. Rather, a comparison might be made with the position of the radiologist in medicine, who is a specialist in the diagnostic use of X-ray. In order to do such a job, it is not enough merely to know something about x-rays, but it is essential that radiologists have a very thorough knowledge of the structure and functioning of the entire body and the different diseases to which

the body is subject. In the same way, the clinical psychologist has to be thoroughly familiar with all aspects of the mind and personality, of how the mind develops and what influences are important in development, as well as a thorough familiarity with all of the different kinds of mental diseases to which man is subject. The clinical psychologist has to take a postgraduate course in an approved university, which lasts a minimum of four years after the Bachelor's degree, leading to the degree of Ph.D. in Clinical Psychology. During this time he studies intensively the various aspects of psychology and clinical psychology, and has to serve a minimum of a one year internship in a mental hospital or clinic.

Regarding my own qualifications: I received my B.A. degree in psychology from Brooklyn College in 1943. (I have been studying psychology now for over 17 years); an M.A. in Psychology from Columbia University in 1945; and the Ph.D. in Clinical Psychology from the University of Kansas in 1951. From 1946 until 1951 I served a special internship at the Menninger Foundation, and I hold a Diploma from The Menninger Foundation School of Clinical Psychology. In addition, I am a Diplomate in Clinical Psychology of the American Board of Examiners in Professional Psychology. (This is a national examination board, similar to the speciality boards in the various branches of medicine. In order to be eligible for the examination, it is necessary to have a Ph.D. in Clinical Psychology plus five years of experience after receiving the doctor's degree. The examination consists of a full day of written tests, followed by a full day of oral examination by a committee of senior psychologists). Since 1951, I have been Chief Psychologist at the Menorah Medical Center, and since that time I have also been on the faculties of the University of Kansas City and of the University of Kansas, where I have taught graduate courses in diagnostic methods. I am a member of the following professional organizations: The American Psychological Association; Southwestern Psychological Association; Missouri Psychological Association; American Academy of Psychotherapists; and I am currently President of the Greater Kansas City Psychological Association. The American Psychological Association is the national professional organization representing over 15,000 psychologists eligible for membership by virtue of their training and experience.

Very sincerely,



Nathan Greenbaum, Ph.D.

NG:kb

cc: Mr. William F. Matschullat
Dr. John Steinman
Dr. John O'Hearne

JOHN F. STEINMAN, M.D.

~~CONFIDENTIAL~~
LINCOLN 8, NEBRASKA

4
2-3904

6101 Walker Avenue

Telephone: 6-2131

June 20, 1958.

Mr. T. Clement Gaughan, Attorney at Law
919 Trust Building
Lincoln, Nebraska.

Dear Mr. Gaughan:

I am enclosing in duplicate a statement for my services as an expert witness for the defense in the Starkweather case.

I want to tell you how much I enjoyed the privilege of working with you and Mr. Matschullat, and appreciated the opportunity of meeting Dr. O'Hearne and Dr. Greenbaum and sharing in the exchange of information and ideas with them.

The splendid conduct of the defense by Mr. Matschullat and yourself, in spite of the disheartening and perverse distrust and hostility of the defendant and his family, was inspiring to me. I believe you not only did all that could possibly be done to protect the defendant's traditional legal rights, but in a broader sense were doing more than the nominal protector of the people to serve the interests of society. I hope the day may come when people can give up the bondage of their emotions of fear, hatred, and retributive punishment, which even now they need to conceal from themselves by legal formalisms, and the use of verbal and intellectual trickery. When a diseased act of an individual can be dealt with by a reasonable, open-minded, and ameliorative approach, rather than by a yielding to blind and destructive passions no loftier than those of the diseased offender, I believe we will be closer to the goal of preventing and eliminating such crimes.

We see the humor of Bill Mauldin's wartime cartoon of the old cavalryman, standing sadly beside his jeep with broken axle, his eyes shut, and pistol muzzle directed toward his "steeds" head-prepared to deliver the coup-de-grace. If we could develop perspective, I wonder if we could see our own society's attitudes and actions toward the broken-down people in our midst as any less quixotic? Our Army would never have accomplished the magnificent conquest of malaria in the South Pacific if it relied solely on the unimaginative, pedestrian strategy of swatting each individual mosquito, and using a heavy cannon for the job.

Sincerely,

John F. Steinman, M.D.