

## MEMORANDUM

October 26, 1995

To: Jeremy Gunn

cc: David Marwell  
Dennis Quinn

From: Doug Horne

Subj: Phone Conversation with Brad Kizzia

1. As directed, I called Charles Crenshaw's attorney, Brad Kizzia (Dallas metropolitan area, at (214) 393-9973) on Tuesday, October 24th, and today he returned my call.

2. I explained to him that we had two questions:

(a) Has JAMA published an apology, acknowledgment, or retraction regarding the out-of-court settlement with Charles Crenshaw?; and

(b) Does Dr. Crenshaw hold any records which would help the ARRB in its study of the medical issues surrounding the autopsy of President Kennedy?

3. Mr. Kizzia summarized the Crenshaw defamation case as follows, in answering the above questions:

(a) Dr. Crenshaw initially wrote a very lengthy, and well- footnoted article to JAMA rebutting the allegations made about him in the first JAMA article, and much of the medical content in that article. JAMA refused to publish it. As a result, Dr. Crenshaw felt he had no choice but to file his suit against JAMA.

(b) After depositions were taken by both sides, JAMA agreed to settle out of court. The initial terms, agreed to during discussions at a meeting, were that Dr. Crenshaw would receive a cash settlement, the results of which were to remain "confidential", and was to have the right to publish a rebuttal in JAMA.

© When Brad Kizzia wrote up the terms of the settlement for JAMA, they disagreed with the version in subpara (b) above, and stated “all terms are confidential,” essentially reneging on Crenshaw’s right to publish a rebuttal. Following further negotiation, JAMA agreed that Crenshaw could publish a rebuttal limited to 800 words only, and that the amount of the settlement was no longer “confidential.”

(d) Crenshaw submitted an 800 word article, which was then edited and shortened by JAMA prior to publication in the May 24-31, 1995 issue. Brad Kizzia says it was followed by negative commentary, and that it appeared in the obituary section in the rear of the magazine.

(e) The cash settlement awarded Dr. Crenshaw was for \$213,000.00.

4. As a research aid to ARRB in our study of the autopsy findings, I asked Brad Kizzia if he would mail ARRB copies of the original Crenshaw article, the 800 page submission for the JAMA settlement, and the subsequent edited-and-shortened version of the 800 page article was published. He readily agreed.

5. As a follow on comment, Mr. Kizzia mentioned that the most significant memory to him of his deposition of Dennis Breo was Breo’s statement, under oath, that Dr. McClelland confirmed to him, when interviewed by Breo prior to publication of the first JAMA article, that “he (McClelland) entered Trauma Room One with Dr. Crenshaw at his side” on November 22, 1963.

6. Mr. Kizzia invited me to call him back if I should need any further assistance. He was most cooperative.