

Interview with Daniel L. Borden, M.D.

## Introduction

Dr. Daniel L. Borden was President of the District of Columbia Medical Society and a member of the Washington Academy of Surgery at the time of the trial discussed in this interview. Though this discussion occurred some thirty years after the anti-trust indictment was brought against the American Medical Association, the Medical Society of the District of Columbia, and the Harris County Medical Society, Dr. Borden was an articulate spokesman and provided some interesting insight to the courtroom scene and the mood of the community at the time of the trial.

Two publications are basic to the discussion. The first is The United States of America, Appellants, vs. The American Medical Association, A Corporation; The Medical Society of the District of Columbia, A Corporation; The Harris County Medical Society, An Association, et al, Appellees. (A reprint of the official documents with a condensation of the trial) published by the American Medical Association, Chicago, Illinois in 1941.

The second document is a paper entitled The Trial of the American Medical Association, District of Columbia Medical Association, Washington Academy of Surgery, Harris County Medical Society and Twenty Defendants, published by Dr. Daniel L. Borden in the Transactions of the Southern Surgical Association, Volume 54.

The date is June 2, 1968 and this is Dr. Peter Olch of the National Library of Medicine and I'm visiting in the home of Dr. Daniel Borden of Washington, D.C., in order that we can discuss in a most informal manner the trial of the American Medical Association, District of Columbia Medical Association, Washington Academy of Surgery, and the Harris County Medical Society by the United States Government--an indictment which was brought in 1938 and came to trial, I guess we agreed, in February of 1941.

Before we get into the trial, perhaps I might just ask Dr. Borden, you, I understand, were in the practice of surgery here in Washington for many years. You are a graduate, as I noted here, of George Washington University in 1912 and then you went through your medical school training here----

Dr. B.: Here at George Washington University.

Dr. O.: ----right. And actually, you're the son of the Dr. Borden who was the dean of the Medical School.

Dr. B.: My father, Colonel William Cline Borden, was the Dean of the Medical School and came into the school, frankly, as a result of my encouragement at the end of my first year of medicine, the former Dean Phillips having resigned. It is interesting to note that my father was the "father" of the Walter Reed Hospital. He developed the Walter Reed Hospital; got the money from Congress; worked for it for six years. It was known as "Borden's dream" among the officers of the U.S. Medical Corps. To the best of my knowledge, at the recent dedication of the

Walter Reed monument at the hospital, I with Dr. Charles S. White were the only ones present who had known Dr. Reed personally.

Dr. O.: Right. That's when Dr. Bayne-Jones gave the address?

Dr. B.: Dr. Bayne-Jones gave an excellent address.

Dr. O.: At the time that this anti-trust indictment was brought against the District Medical Society, the Washington Academy of Surgery, et al, I believe you were President of the District Medical Society. There were originally twenty-one individual defendants who were mentioned; you were not one of these, however.

Dr. B.: I was not indicted--almost but not quite. I guess you read that in my paper, "The Trial of the A.M.A. and D.C. Medical Society."

Dr. O.: Yes. The other thing I gather is that you were a great source of moral support to those gentlemen who were under indictment, because I know of Mr. Magee and his conversation on tape some years ago with Mr. Theodore Wiprud who was formally Executive Secretary of the District Medical Society, commented that your continual presence there, even though not involved in the trial as such, other than giving testimony at one point about the Washington Academy of Surgery, was a great source of moral support to these gentlemen who had to be there, in the sense you were the representative of the District Society. [The same was true of Ted Wiprud, Executive Secretary of our Society.]

Well, why don't I let you in your own words, before I ask a couple of specific questions, give me whatever background you want about this trial

on what was involved and what your feelings were and the feelings of the local profession were at the time. As you say, we were imminently about to enter the war and there were all sorts of other important things facing the medical profession here and throughout the country.

Dr. B.: I think first of all, it's extremely difficult to reestablish, even mentally, the problems that we faced over thirty years ago. Washington, at that time, was going through the New Deal of President Roosevelt with the help of his wife, Mrs. Roosevelt, and he had an extraordinary amount of power in his political approach to things, so that combined with the war in Europe and an unsettled situation here in the United States, we were living in rather trying times. When the Medical Society of the District of Columbia was suddenly faced with the problem of a criminal indictment, it came as a severe blow in more ways than one, because it involved the establishment of a government clinic. Washington is a governmental city. We have no industry here, and it was estimated that if this clinic went into operation it would have as possible patients about 71 percent of the population of Washington. In other words, we are the government here. With this background, the Society as a whole was greatly disturbed. On the other hand, there were many men of the Medical Society who were disturbed perhaps beyond logical reason, and their discussions in our Society, when seen in cold print, were totally different than when we listened to them because we knew the individuals; we knew some were anxious and we made allowances for that. So that we were placed in a rather difficult position. My early recollection of the whole situation occurred when I was approached by

two members of the Society who showed me the prospectus outline of the GHA--Group Health Association.

This prospectus was brought to me in secret by two members of the Medical Society who were on the Executive Committee and I, as President of the Society, was a member of the Executive Committee. That was the first real, clear intimation that I had of the situation and that happened in late 1937 as I remember it.

As a result of that, our Medical Society had many meetings and one might say that in one sense that they were so disturbed about it in so many ways that it might have taken on, at times, a hysterical type of discussion; the majority of the members were calm and collected but there were many that were not, which is a perfectly natural human reaction, so that finally when the government clinic was opened they had a big dinner with Dr. Hugh Cabot who came down and spoke to them. Some members of our Society became employed as a part of this clinic through Dr. Brown's influence, who was the Director of the government clinic. The problem then faced us of what to do and how to go about it. It so happened that before this ever came to pass, the Medical Society had passed a resolution known by the prosecution as "the white list" which was a resolution to the effect that no doctor should engage his work with an institution which in turn might receive a compensation for his work. In other words, a lay clinic run by lay individuals would use the doctor for his professional knowledge and work and then collect the fees, paying a part of it to the doctor, and that was considered unethical.

So at this time when one or two doctors joined the Group Health, they were dismissed from the Medical Society as a result of this so-called "white list" resolution; in other words the resolution--I think it was Section 5 of our Constitution. That brings us up pretty well to the trial and I don't know just where you want me to start on that.

Dr. O.: Well, that's a good question. You have very, very cogently and specifically written up in your article which was published in the Transactions of the Southern Surgical Association your impressions of the various legal authorities involved for both the defense and the prosecution; you've given a very nice background, I think, to the trial itself and what you felt the role perhaps of the various people were, and also we might just mention for the sake of the record, there is this rather large publication put out by the American Medical Association that was published in 1941, which is a reprint of a number of the official documents concerned with the trial as well as condensation of the trial record. This certainly would be a rather monumental task for somebody to sit down and read through this cover by cover, but certainly the factual material is there.

Perhaps I might just ask you then, rather than trying to go into great depth and detail about this long trial which then lasted some eight and a half weeks in which in essence the government was trying to say that the D.C. Medical Society, certain individual defendants and certain other groups, were trying to use "restraint of trade against Group Health Association"-----

Dr. B.: Conspiracy and restraint of trade.

Dr. O.: Right, which is very important--conspiracy and restraint. Now, I think everybody apparently was amazed by the decision reached by the jury in which the American Medical Association, the District of Columbia Medical Society were indicted as groups or as a body, but none of the individual defendants were indicted. And I gather the next step then--there isn't a great deal that I've been able to find published, but then of course there was an appeal and in the appeal courts, am I correct in assuming that they sustained the verdict?

Dr. B.: Yes, they sustained the verdict.

(Pause)

Dr. O.: Dr. Borden, off the tape just a moment ago we both agreed that it would be quite worthwhile if you could give us your own personal reaction to the situation in the courtroom where, as we said earlier, you spent practically the entire time as an attendant at this trial.

Dr. B.: Well, we walked into this criminal court with Judge Proctor presiding. Now, Judge Proctor had been a personal friend of mine through the years, but he gave no evidence of knowing anyone. I'm sure he knew other doctors there. On the one side were the prosecuting attorneys, on the other side were the defense attorneys, and over on the right-hand side were the defendants and the left-hand side was the jury. It was a curious situation not unlike our problems today. It was the older group against the younger aggressive group.



Dr. O.: The lawyers for the prosecution seemed to be the "Young Turks."

Dr. B.: Well, I was thinking more particularly of the lawyers for the defense representing the older group of doctors who were trying to maintain a certain amount of dignity under the circumstances, and resenting a change of the old into the new. At first, it was a very oppressive reaction that I had. But these younger prosecutors were so full of enthusiasm and so sure of their position that they made no attempt to hide it in any way. The leading government lawyer, Mr. Lewin, was really a good trial lawyer--he really was, but his approach to the situation was so totally different than that of our lawyer, Mr. Bill Leahy. Now Bill Leahy was one of Washington's best trial lawyers and that's why he was picked to protect our interests. On the other hand, Mr. Lewin paid no attention to the jury--his back was to the jury much of the time--whereas Mr. Leahy was very kind to the jury, watched them and more or less pleading with them, so that the contrast was very definite. But Mr. Lewin held our attention; there was no question about it.

Rather interesting--one of his associates, Mr. Kelleher, a relatively young man, just been married, was young enough to be the son of Mr. Bill Leahy. So it was a matter of youth against old age just as it is today. So that was the background as I saw it at that time.

Dr. O.: This great contrast. It's very interesting--I'm not saying anything that's restricted at all, Mr. Magee has released, totally, the contents of his interview with Mr. Wiprud to the Library, but he had some very interesting comments about Mr. Leahy. He agreed that he was

one of the outstanding in-court trial lawyers because of the way he could present a case and speak to the jury and the court.

Dr. B.: With an excellent memory!

Dr. O.: He said that one of the problems the society lawyers faced was that Bill Leahy just didn't have the time to really prepare each days work.

Dr. B.: I heard that all through the trial.

Dr. O.: And that Warren Magee and Baker--or was it Burke, Edward Burke----

Dr. B.: No, Baker, Si Baker.

Dr. O.: Right, would have to sit down and just spoonfeed this material to him every night, practically holding Leahy down because he wouldn't take time to read these documents and so on, to prepare them for the next day.

Dr. B.: That was not true of Mr. Burke, who was the head attorney for the AMA--a very meticulous, kindly man, little on the stout side, but a very, very fine lawyer.

Before the trial started, I gave a dinner at the Metropolitan Club for all of the defendants from the AMA, and we had a very interesting talk.

Dr. Fishbein more or less held the stage. You know, I got very fond of him after sitting next to him at the trial, but it took me quite awhile

to quite understand him, as it were. But he was shrewd I'll tell you.

Dr. O.: I can imagine. He's participating in another oral history project we have going at the Library at the moment as a matter of fact.

Dr. B.: Now, you asked about the question of the verdict. Do you want to go into that?

Dr. O.: Yes. We can. The verdict that did indict in a sense the AMA and the District of Columbia Medical Society, but did not indict any of the individuals concerned. Apparently the government prosecuting attorneys were not terribly happy about this. They felt that "well, all right, you're saying they're guilty and yet they're not guilty," in a sense. Also, I think it would be interesting if we could just follow it to see in the Court of Appeals this judgment was upheld, then it was taken to the Supreme Court, was it not?

Dr. B.: Oh, yes.

Dr. O.: Then what the final outcome of the overall effect of this trial from the perspective of the intervening years that we might comment about. I think this would be interesting. I know Mr. Magee has a very interesting thought pertaining to the--"was this really a victory for the medical profession or a victory for the government?" in the final analysis.

Dr. B.: Of course I was there when the verdict was announced.

Dr. O.: Yes. It was about midnight, wasn't it?

Dr. B.: Yes, it was late at night. I'd been there from about ten on, I think. But at first the entire courtroom was almost perfectly silent. They just didn't know what to make of it because here the Medical Society and the AMA had been found guilty, whereas the officers that formed them were found innocent. But you know, the answer to that, if you'll read it carefully, was through Judge Proctor. He said in his summation, "You can find all guilty or part," and on that basis the jury was not willing to find those doctors--they were fine men, you can't get away from it--guilty, whereas they were willing to find the associations guilty. That is the basic background of the jury's reaction as I analyze it. But it might be interesting to talk to some of those men on the jury.

Dr. O.: There is one gentleman that Mr. Wiprud heard about. He met him socially not too long ago and he called me and gave me his name, and I hope to talk to him.

Dr. B.: Well, maybe he would suggest that what I say is true.

Dr. O.: Yes, this would be interesting to follow up.

Dr. B.: Well, anyway, the government came to its senses before we did--they were younger than we were, and they claimed a victory, you see. But they were quite unhappy, I think, about the situation.

Dr. O.: Well, it was then appealed, of course, the Court of Appeals apparently did uphold this indictment. This was argued January 12, 1940, decided March 4, 1940. This then was upheld and, of course, then from

that point it went to the Supreme Court. Now I've never really seen anything in print about the presentation of this case to the Supreme Court.

Dr. B.: I'm not familiar with that except that the Supreme Court, as I understand it, refused so many times to go into the problem at all and that means that they agree with the lower courts.

Dr. O.: Yes. So in other words, it essentially said "well it stands as it was left by the courts."

Dr. B.: I'm not sure what happened there because I don't remember it. I do know this, that I was called down to court as President of the Medical Society with Mr. Olin West, as Secretary for the AMA, and we stood before the judge when he fined us. He fined the District of Columbia Medical Society \$1500 and the AMA \$2500.

Dr. O.: Well, as you look back on this trial with the perspective you have of the intervening years and what has happened to the practice of medicine in this country, what do you think the most central issue of importance raised by that trial might be? In other words, do you have a feeling that this was the first step of a number of steps by the government?

Dr. B.: I don't think there's any question about it. That was the beginning of what might be termed "government influence" which has gone on as you well know to Medicare. The AMA has fought most of these things, but once the situation was determined, to their credit, they've gone along with it as best they could to try to make it work.

Dr. O.: Actually, one can actually trace Medicare, as such, pretty much back to this Committee on Costs of Medical Care, 1928 to '32, in which the AMA was involved and people like Michel Davis and a number of individuals sat down and tried to discuss what could be done about the, what they then considered even at that point in time, increasing costs in medical care and improving the amount of medical care for a greater number of people and so on and so forth, and there was a Minority Report, written by Dr. Christie, as you know, which did not go along with this idea proposed by the majority.

Dr. B.: And the Minority Report was accepted by the District Medical Society and the AMA.

Dr. O.: Well, let me if I may, sort of give you this statement made by Mr. Magee, who again was one of the lawyers for the defense in this trial, and I think it's important enough that I might read essentially all of it. He states that, "There is an aspect to this case that is important. There was a serious effort made by the Department of Justice to settle this case out of court. They approached Mr. Leahy--suggested to Mr. Leahy--that this case could be settled by the dismissal of criminal charges, the filing of a civil suit, if we would agree--if the defendants would all agree--to the entry of a consent decree." Were you aware of that?

Dr. B.: Well I knew, and it was published, before the trial began that Mr. Thurman Arnold, the Assistant Attorney General, had made that offer, but that our Society and the AMA turned it down.

Dr. O.: Well, he goes on to say, "The matter was considered. I discussed it with Mr. Burke. Mr. Burke was opposed to any such settlement and I think time has shown that the decision in this matter was the right one, because here's what would have resulted." Now this was Magee talking, I guess, in 1952. "Had that settlement have been taken, he would have put the AMA and the District Medical Society's practices, policies, and proceedings under the control of a consent decree of the court. I am firmly convinced that you would have been in court annually thereafter with charges of violating that decree if he took any action which the Department of Justice didn't like," which I thought was a very interesting point. "So in the long run, I think that the result was good and the government was defeated in its main purpose. One reason for that was that the Department of Justice was very anxious to have the practice of medicine and the operation of charitable hospitals declared to be trades and commerce of the United States and therefore under the Sherman Act, while our Court of Appeals held that these practices were trade under the Sherman Act and the Supreme Court took that case to decide that question, it never decided that question and it did not decide it in this case that either the practice of medicine or the operation of charitable hospitals was trade. All the Supreme Court really held was that this was not the issue, held that a business group like Group Health Association, Incorporated, which was a private corporation chartered on the District of Columbia code, which hired doctors and rendered service was a business and was entitled to operate free of restraint. If anyone imposed illegal restraints upon them irrespective of what their professions were whether butchers, bakers, or candlestick

makers, that was a violation of the Sherman Act and that is what that case held." So, in other words, his point is apparently that he felt-- and still felt in the '50s--that this was really an effort by the government to have the practice of medicine, as it were, legally classified as a trade and to be eligible to fall under the Sherman Anti-trust Act, and he does not feel that this was really done. It's true that they were able to show that this Group Health Association, Incorporated was a business and the case did get to the point of saying "all right this is a restraint of their trade; this is against the Anti-trust Act because of this, however not because and not concluding and it was not supported nor did he feel did medicine come out as a trade," which he felt in a sense was a victory, really, for the medical profession.

Dr. B.: Well, I think the question of whether the practice of medicine is a trade or a profession was decided first in the District Court where the judge stated that it was a profession and not a trade, then that was overturned by a higher court stating that the practice of medicine was a trade as it is related to the Sherman Anti-trust Act, but that the situation as we see it--or as I see it--today is that it's still a profession unless the Sherman Anti-trust law should be brought about for anything that's done in the future. I don't think there's any question in the world but what the result of that trial meant that there was a rod held over the profession, in a sense. On the other hand, it's never come to issue one way or the other and I doubt very much if we'll hear anything more of it. I hope not.



Dr. O.: Yes. Now, this is rather interesting, really, that after the trial one would almost suspect, as you say, that here was the government now with the club, in a sense, saying "all right, just try something like this again." But nothing like this has come up again in spite of obviously, I'm sure at times, efforts within the codes and so on of various District societies and hospitals.

Dr. B.: Yes, you know we had to change our AMA "bible," "medical Ethics," really; that's what our profession used to live by and that as a result of the trial some changes were made in it so as to eliminate any problem relative to the Sherman Act. But it was the principles of medical ethics upon which the profession stood at the time of this trial. And it was our "bible," and if anyone ever takes time to read it, it's principles are good. You know, looking back at it now, we have the GHA set-up. They have an eight story new building; they have somewhere around fifty thousand patients that are taking advantage of this work. And I have every reason to believe it's probably a good thing.

Dr. O.: This is what I wanted to ask you. What, again, with the perspective of these years do you feel this group really did make a dent on other physicians as far as practice was concerned.

Dr. B.: As time has gone on the population has increased in Washington and the doctors are so busy they don't even talk about it. Because now they have their own service--medical service, Group Hospitalization, and they have right now over 900,000 patients or individuals signed up for this service, Blue Cross and Blue Shield, so that time has in one sense

solved that part of the problem. It's an interesting thing, too, of course I'm really in no position to discuss the GHA, but I do feel that there's one other thought that might be presented. I think with the training that our younger doctors get in teaching institutions, have a place to go where they can work and do good work until they can establish themselves. And, in all fairness, I will say that this is probably a very good thing. And, as I understand it, Group Health Association has privileges in our hospitals and so far as I know, they are a successful running organization. Certainly with the government back of them, financially, they're bound to be.

Dr. O.: That's true. That's a very unique situation.

Dr. B.: You see, we were not allowed, in our court work, to discuss the fact that this was a government financial procedure--at HOLC, Home Owner's Loan Corporation--and many things were thrown out by the judge which did not properly apply to the situation, but which on the other hand seemed to us to be a little bit irregular at least.

Dr. O.: That's a very unique situation where you have a group like that backed by such financial resources.

(Pause)

Dr. O.: Dr. Borden, one of the points I did want to ask you about is a small aside, in a sense, but your testimony at this trial related to your position in the Washington Academy of Surgery on the Credentials Committee and the evaluation of a number of surgeons. One gentleman's name was brought up in more detail--a Dr. Selder, I believe-----

Dr. B.: Selders. I remember the details.

Dr. O.: Well, at that time now, if that were around 1937 or '38, the time that this evaluation was going on by the Washington Academy, this would be a little after the formation of the American Board of Surgery. Is this not true? In other words, this was a period of Board Certification.

Dr. B.: I was a founder member of the American Board of Surgery.

Dr. O.: You were a member of the founder's group. Right.

Dr. B.: Now the date of that is 1937.

Dr. O.: Right. So this is very interesting. So I would imagine that the Washington Academy of Surgery, by 1938, with people like yourself involved, were probably looking for such things as Board certification. In other words people who were certified by the American Board of Surgery or at least Board qualified if not Board certified.

Dr. B.: We have also the American College of Surgeons which was dated earlier.

Dr. O.: Right. The American College of Surgeons, which goes back earlier tried to see whether this was brought out in the trial. They never seemed to talk about what were the logical things. In other words, the prosecution wouldn't bring up, of course, the logical things that a group like you would look for to certify a man's competence other than somebody's letter of recommendation which we all know can mean

absolutely nothing; whether or not these people who were being evaluated were actually Board certified or qualified.

Dr. B.: They were, of course, not. We were asked to pass upon the qualifications of a man by the name of Dr. Selders; I think that's his name. And every doctor who is asking for hospital privileges puts in an application and on the application he states his references to someone who would know something about him professionally. On this Dr. Selders' record, there were two doctors and one senator. When the time came for his name to come before the Credentials Committee, which it did, we only had one recommendation, and that had to do with his musical career but did not dwell upon his professional career. So we put it off another month so that he could get other recommendations. We never received any other recommendations so we refused him major surgical privileges on the grounds of having nothing to certify him. He was new to Washington. No one knew him here. All hospitals or private institutions have the right and privilege to allow such men as they see fit to operate. And they turned to us as the Academy of Surgery who ran the Credentials Committee to pass on them for the protection of the hospital, of the individual, and ourselves.

Fortunately, at that same time we had disqualified five or six other doctors who were in no way connected at all with the GHA.

Dr. O.: No. This struck my mind as I read that and realized the time period. I was wondering whether by then many people were really looking for Board certification.

Dr. B.: They never brought that up and of course I didn't. After all is said and done I could hardly do that. But you know, I was the one who had to represent the action of the Academy of Surgery. I'd been a former president of it, and as a result of that, I'm glad to say that we were given a directed verdict and the Academy of Surgery was thrown out by the judge.

During our trial, there were three newspapers represented at all times. I have their names here; I think they're all dead now. Actually, all of our own attorneys are dead but Magee and nearly all of the defendants are gone.

Dr. O.: I was wondering about that, because I thought it might be interesting to talk to some of the prosecuting and defense attorneys at this point in time.

Dr. B.: None of the defense attorneys are living except Warren Magee.

Dr. O.: Oh yes, I realize that. I know Magee--he was the youngest one, only about twenty-nine at the time.

Dr. B.: Oh yes, he was a young man and he was a cum laude of Harvard and he was a digger. He made a very great impression on me. Now, where did we stop?

Dr. O.: You were saying that you were quite interested in these three newspaper people.

Dr. B.: Oh, about the newspapers. The newspapers throughout this entire

trial favored the government. Whether that was a political procedure or not, I don't know, but they did. And they'd play up the dramatic. Having attended the trial one day, you'd read it in the paper and wouldn't recognize it as being the facts at all. I think that's true in so many cases.

Dr. O.: Yes, it is. Were these three local papers?

Dr. B.: All three local papers. The Star was Harold Rogers, the Times Herald was Samuel Shaffer and the Post was Jerry Gross.

And another little interesting angle of that trial to me, personally, was this: I had three boys in college at that time. Two of my oldest boys--my youngest boy had just gone into college--but my two older boys were editors, one of the Yale daily newspaper, and the other of the Harvard Crimson, so they had an opportunity to get the reaction of the college student age group, which they would receive through the newspaper--that would be their only source of knowledge. And these two boys came down to see me on one of their vacations, and as kindly as they could they'd say to me "you're going to lose the case!" I can remember it so well, you know, as a very human situation. But those youngsters did a lot of talking among themselves.

Dr. O.: I think it's quite interesting, though, this commentary about the three local papers.

Dr. B.: Oh yes, I have their names--of the men. I went to see one of them--Jerry Gross. He used to write a good deal on medical subjects,

but I'm practically certain they're all gone now. You see, it's been over three decades--thirty some years--since this thing started, and yet my memory is fairly good about most of it. There are many little details that I've forgotten.

Dr. O.: Well, you've certainly been able to give me a very interesting inside view of the situation.

Dr. B.: Well, I like to talk about it, in a way, although we lost it and yet we won, so I don't know, a split decision.

Dr. O.: Yes, well that's it. Really, it's almost a toss of the coin; neither side came home "scot free."

Dr. B.: Well, it was a split verdict, which at first was not understood, but I personally feel definitely that part of the instructions of Judge Proctor answered the whole thing and I thought it was a very fair jury. I thought they were almost anxious to do all they could the right way. I really do. I never knew any of them; never spoke to any of them. Took their picture, that's all. I took all those pictures with my little Leica camera. I took everything of the defendants, the prosecution-- they all lined up for me and I didn't have to say anything at all. [The pictures appeared in Dr. Borden's paper about the trial.]

Well, my little article was on the trial itself and not the preliminary work. I was entirely familiar with it because I was a member of the Executive Committee at that time of the Medical Society. Actually, I was very active--younger then!

Dr. O.: Is the Dr. Mattingly you referred to in your article the father of the Dr. Mattingly currently-----

Dr. B.: No, there's no relationship there at all. Now, if you'll look at one of those pictures, I'll show you which one was Dr. Mattingly.

[Dr. Borden points out Dr. Mattingly.]

You know, he had a law degree as well as a medical degree and he used to write a great deal to the newspapers--I mean in those little personal articles--and he writes well. But he wrote directly, as you probably know, to the grand jury and the prosecution finished their case on that letter where he admitted that he had done everything he could to keep Dr. Selders from doing general surgery.

Dr. O.: I remember seeing that--seeing reference to that in your article.

Dr. B.: Yes, it's in my paper--in fact I wrote it out. I think one of the most understanding articles or statements was made by Dr. Groover, who died. If you ever want to take the time, it presents our side of the medical situation as we saw it then.

Dr. O.: You reproduced that letter too, did you not?

Dr. B.: Yes, that's in there, too. I thought that really told the story.



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