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“Never Bound By the Truth”

By Chris George and Denis Wright

“Read cover to cover. Never bound by the truth.” —The former motto of Joe Scarborough’s former paper, the Independent Florida Sun

September 20, 2001—Juanita and Andreas Bergmann had an appointment at 8 a.m., July 20, at the Fort Walton Beach office of then Congressman Joe Scarborough (R-FL). The appointment had been arranged by the congressman’s young aide, Lori Klausutis, and Mr. and Mrs. Bergmann thought they were going to meet with the congressman to facilitate Mr. Bergmann’s application for a green card. Instead, they found the body of Lori Klausutis.

Lori Klausutis, 28, had been the picture of health and vitality, an avid runner who ran five miles a day. She was highly regarded by friends and co-workers who called her “Little Miss Mary Sunshine.” She was the immediate past president of the Emerald Coast Young Republicans.

Klausutis had worked for Scarborough since May 1999. She was based at the Congressman’s Fort Walton Beach office. Miguel (“Mick”) Serrano, Scarborough’s press secretary, said Klausutis’ duties as constituent services coordinator included handling appointments and walk-in visits from people who wanted to contact Scarborough about specific issues. “I know Lori will be missed by the thousands of citizens who regularly contact my office to seek assistance with a variety of problems,” Scarborough said in a statement issued several hours after her body was found.

Even before the autopsy, police assured the public that “there was no sign of foul play and no trauma to the body.” During the following weeks the medical examiner, Dr. Michael Berkland, released conflicting statements to the local press, eventually reaching this conclusion: he speculated that Lori had suffered an abnormal heart rhythm, due to a previously undiagnosed heart condition, causing her to fall, striking her head against a desk. This caused a blow to the head severe enough to cause death.

Speaking Ill of the Dead

The local press on the findings of Medical Examiner Michael Berkland in the death of Lori Klausutis, an aide to then Congressman Joe Scarborough

“ ‘Would she have died of the arrhythmia she had when she was falling? Probably so,’ he [Associate Medical Examiner Michael E. Berkland] said. ‘I think she had an arrhythmia that was not allowing oxygenated blood to go to her brain.’ “ Tom McLaughlin, Northwest Florida Daily News, August 7, 2001

“The immediate cause of death was ruled an acute subdural hematoma, or a blood clot, that resulted from a closed head trauma sustained in a fall.”—Derek Pivnick, Pensacola News Journal, August 7, 2001

“ ‘We know for a fact she wasn’t whacked in the head because of the nature of the injury,’ Berkland said . . . Cardiac arrhythmia, or abnormal heart rhythms, halted Klausutis’ heart and stopped her breathing, he said.”—Tom McLaughlin, Northwest Florida Daily News, August 29, 2001

On the morning of July 20, within three hours after Lori's body was found and even before her family had been notified, the ABC affiliate in Pensacola (WEAR, channel 3) published on its website "Scarborough's office says Klausutis had a history of health problems . . . they believe she died Thursday afternoon." When queried on WEAR's source, Tom Wahl, an assignments editor stated that he "heard a representative from the D.C. office who was in town mention 'a history of health problems.'" Anna Dobbins of WEAR stated that the station had received a phone call around 11 a.m. on July 20 from Joe Scarborough himself, stating that "a young woman had died in his office and that she had a complicated medical history, specifically surrounding 'stroke and epilepsy.'" About a week later, according to Dobbins, Scarborough's press secretary Miguel Serrano called back to ask that they stop reporting the "complicated health history" part of the story. Joe, he said, had spoken in error. When confronted with statements by WEAR staff that her boss had been passing on details of Klausutis' health, Scarborough staffer Lois Hoyt called it a "lie" that Scarborough had done so.

WGTX radio, 1280AM, reported on its web site "[Scarborough] staff members told WGTX that Klausutis was suffering with ill health for some time." When queried, Ron Kelly, news director, stated that not long before Lori's death, they'd done an on the air interview with Joe on his upcoming resignation. He also said he had spoken with Miguel Serrano who told him that Lori suffered from ill health.

R. S. Miller, an associate who worked on this story, said she then called Serrano back and told him that the reporters were standing by their stories regarding the nature and the timing of the release of the reports from Scarborough's office and, indeed, Scarborough himself. Serrano refused to confirm or deny whether he had even spoken to these newsmen, and he would not comment on whether the newsmen were lying or even mistaken. When asked about Lois Hoyt's claim that the news stations were lying Serrano responded, "Isn't there anything else you could be doing?"

When told that Hoyt called it an outright lie that Scarborough had told WEAR that Klausutis had suffered stroke and epilepsy, WEAR's Anna Dobbins snapped, "What's the story here? Politicians always backtrack."

Norm Klausutis, Lori's father-in-law, sent a scathing letter to the Northwest Florida Daily News denying that she had health problems, and members of Lori's immediate family made it clear that although she had been in a very serious automobile accident many years earlier she had suffered no health problems thereafter. None

The History of Dr. Michael Berkland

1996: Fired as contract medical examiner in Jackson County, Missouri, for falsely stating that he had sectioned several brain specimens.

Nov. 5, 1997: Nine criminal cases imperiled by Berkland's admission of faulty autopsy reports (J. Lambe, KC Star)

Feb. 19, 1998: Injunction granted to prohibit Berkland from performing autopsies and the duties of a medical examiner in Missouri.

March 16, 1999: Missouri license revoked with no application for reinstatement for a period of six years:

". . . .Michael Berkland, D.O., Fort Walton Beach, Florida. Cause of Discipline: Violation of 334.100.2(4), (5) and (14) ROMs 1994. The Administrative Hearing Commission found cause to discipline license based upon its finding of misconduct, misrepresentation, dishonesty, unprofessional or unethical conduct, conduct that might be harmful to the health of the public, and for incompetence and for knowingly making a false statement in a document in

earlier, she had suffered no health problems thereafter. None.

The Okaloosa County Associate Medical Examiner

Dr. Michael Berkland, the Okaloosa County associate medical examiner who did the post mortem examination of Lori Klausutis, has an interesting history.

Fired as medical examiner in Jackson County, Missouri in 1996, (see sidebar, The History of Dr. Michael Berkland), the state of Missouri, in 1998, revoked his license to practice for a minimum of six years. He was suspended as medical examiner in Florida for having failed to report that he was under investigation.

The revocation of his Missouri license imperiled at least nine criminal convictions in that state. Since he left Missouri, there is documentation that in at least two cases a reversal of judgment has been sought based on alleged false testimony by Dr. Berkland.

Yet, Dr. Berkland was put in charge of determining the cause of Lori Klausutis' death.

Did Politics Play a Part In This Decision?

According to Federal Elections Commission records accessed through The Center for Responsive Politics, between January and October 1994, Berkland's immediate supervisor, Dr. Gary Cumberland, gave \$3,000 to Joe Scarborough's election campaign. Mrs. Cumberland gave \$2,607. Both donations, which are apparently hard money donations, would seem to exceed legal federal limits. Dr. Cumberland has since given another \$2,000 to Scarborough

Berkland was apparently allowed to continue to work as an associate medical examiner under a "letter of guidance" from the Florida Board of Osteopathic Medicine. Dr. Stephen Nelson, currently the chairman of the Medical Examiners Commission, stated that he had recommended the suspension of Berkland but apparently did nothing further.

When notified that a case by Berkland had been challenged in Missouri, Nelson dismissed any concern about Berkland, saying, "I also believe that the failure of the Missouri Court of Appeals to overturn the conviction because of Dr. Berkland speaks volumes as well. The Court of Appeals had the entire trial transcript to work from. Neither I nor you have that luxury, and they didn't feel that what Dr. Berkland said or didn't say was sufficient for the defendant

connection with the practice of his profession. Board action: The Board revoked license with no reapplication for reinstatement for a period of six (6) years. Effective 3-16-99"

Berkland appealed and the circuit court affirmed the revocation on 11/1/99. There was no further appeal.

Date uncertain:
Applied for Florida medical license, possibly without advising Florida of the injunction barring him from practice in Missouri.

July 20, 1999:
Suspended as ME by the Florida Medical Examiners Commission due to failure to disclose that he was under investigation in Missouri when he applied for his FL license.

Date uncertain—
Reinstated as Medical Examiner with the issuance of a "letter of guidance" by the Florida Board of Osteopathic Medicine. The State of Florida Department of Health's Physician Profile for Dr. Berkland lists under Disciplinary Actions: Missouri Board Of Healing Arts, 3/16/99, Under Appeal: Y.

what Dr. Berkland said or didn't say was sufficient for the defendant to be granted a new trial. With the information I have available, I certainly won't second-guess the Missouri Court of Appeals."

It is Nelson's and the Florida Medical Examiners Commission's duty to guard against even the appearance of impropriety, since—as the state of Missouri is learning—even the appearance of impropriety can imperil convictions in criminal cases. The medical examiner is often the key witness in a criminal trial. His testimony must be absolutely unimpeachable.

A Very Odd Way to Die

In the Klausutis case, Berkland concluded that a prolapsed mitral valve led to a severe arrhythmia, which in turn caused her to faint. When she fainted, her head struck a desk, cracking her skull. Further damage to the brain ensued. Bleeding into the skull, forming a subdural hematoma, caused death.

It is extremely rare for a prolapsed mitral valve to lead to severe arrhythmia. [See sidebar: Dr. Berkland's Conclusions vs. the Medical Literature] A minor fall by a young woman is not expected to lead to a fractured skull; nor is a minor fall likely to cause injury remote from the site of impact; nor is a head injury of this kind expected to lead to death.

It is unclear whether Klausutis was even close enough to a desk to have struck her head on it and her body was found face up.

Juanita Bergmann, a trained nurse, is quoted as having said that Klausutis had "obviously had a seizure," while Norm Klausutis categorically denied that his daughter-in-law had ever had a seizure.

Keeping the Lid On

Police officials are reluctant to discuss the Lori Klausutis case. Sergeant Pond of the Fort Walton Beach Police Department actually hung up on Miller, saying Klausutis' death was "nobody's business." Pond's supervisor, Captain Bishop wouldn't talk to Miller, and the chief of police, was no more helpful.

Northwest Florida Daily News reporter Tom McLaughlin told an investigator working on the story, "Suffice it to say that I like Dr. Berkland very much as a person and greatly respect his work as medical examiner." When asked to comment on the contradictions between media accounts of Klausutis' death, McLaughlin replied, "Comment on what? You're [sic] ability to cut and paste?"

Dr. Berkland's Conclusions vs. the Medical Literature

According to newspaper reports, Berkland said she fainted. Berkland observed a valvular lesion called Mitral Valve Prolapse (MVP) and concluded that it led to a cardiac arrhythmia that caused Klausutis to faint—he claimed that on its own the MVP would have caused her death [1]. MVP is common, occurring in 1–10 percent of the population [2, 3], depending on the criteria used for the diagnosis. In Klausutis' case, it was evidently so mild as to be undetectable to her doctor. But for MVP to cause serious arrhythmia in otherwise healthy people is rare, so rare that "Its association with sudden cardiac death has not been clearly established" [3]. In a forensic series with MVP it accounted for about 1 percent of sudden deaths, which is actually below the expected prevalence of sudden cardiac death in the general population [4]. In another study of 1,000 otherwise negative autopsies, isolated MVP was observed only 14 times [5] and in a general forensic series, it was observed four out of 1,500 times. In other words, sudden cardiac death is rare,

“Comment on what? You’re [sic] ability to cut and paste?”

CNN reportedly has taken to shouting at people who call up and suggest that this is a story they might want to cover. Inside Politics advised a woman who had written to inquire as to why it wasn’t covering this story, “We are aware of the Scarborough story. We haven’t reported it because there doesn’t seem to be any connection to Congressman Scarborough (except that the aide died in his office.) The police haven’t made any charges against Scarborough . . . so we’d just be creating a news story. We’ll let the local news networks and newspapers investigate the story along with the police. If anything comes up that indicates the congressman had any involvement in the aide’s death . . . we’ll report it.”

“An untidy wrap-up”

From press accounts, Tiffany Bates, a Scarborough aide in Pensacola, spoke to Klausutis (presumably by telephone) at about 5 p.m. on July 19. According to unknown sources, Klausutis told Bates that she wasn’t feeling well. Other accounts claim she told the mailman and an unnamed person that she “was anxious and did not feel quite right.”

According to the autopsy report, Klausutis was not pregnant and a toxicology screen found no drugs in her system. It is not clear whether there was a thorough review of her medical records to determine the extent of the injury she sustained as a teenager.

According to Dr. Berkland’s estimate of the time of death, she Klausutis died just after the office closed, at about 5 p.m. Fifteen hours passed while her body lay on the floor of Congressman Scarborough’s office. Berkland said that she would have continued breathing long after her heart stopped, since there was a “foam cone” around her mouth. He stated that there was a visible contusion to the right temple, which contradicts Juanita Bergmann’s memory of Lori Klausutis’ appearance. He also said that there was a large hematoma and a fracture of the temporal coronal suture.

Neither the family nor the police was able to locate Lori’s husband, T. J. Klausutis, until late on the afternoon of July 20. Berkland said, “We knew where he was, in Arlington, Virginia, but he was at a meeting.”

Don Graham, the owner of D-train, the company that takes care of building security, originally stated that he recorded in his log that at between 11:30 p.m. and midnight he found the doors to Scarborough’s office locked, the lights off and no cars in the lot. At a

affecting only 50–100 athletes a year, and MVP is a rare cause of sudden cardiac death (so rare that it is not agreed that it is a cause).

Having fainted, she fell, Berkland also concluded. Early reports denied any evidence of trauma [7] but in the end, a blow to the head was claimed to be the cause of death. Berkland denied the possibility that some one could have hit Lori in the head, claiming that the type of injury she had was only consistent with her head striking a stationary object. “In physical terms, the difference between the head moving or being stationary on impact is solely in the frame of reference. There is no physical difference between the forces involved in a stationary head being hit or a moving head striking a fixed object.” [8]

According to Dr. Berkland, the fall cracked her skull. Dr. Berkland stated that Lori’s head fell approximately three feet, from a standing position to the edge of the desk. An impact speed of no less than 10 miles per hour and typically 20 miles per hour (corresponding to distances of falling of at least four feet and more typically 10 feet) is generally required

Scarborough's office locked, the lights *off* and no cars in the lot. At a later date, he said he "may have missed" checking the doors.

Employees of the International House of Pancakes reportedly said that Klausutis' car was in the lot and the lights in the office were *on* at 5 a.m.

Juanita Bergmann stated that when she and her husband arrived sometime prior to 8 a.m. to have breakfast at the International House of Pancakes, the lights were off and that when they went to Scarborough's office shortly after 8 a.m., they found the door unlocked.

According to the police log, Dr. Berkland arrived at the scene of death two hours later, at 10:06 a.m. Ten persons from the police and fire departments and from the Medical Examiner's office are recorded as having entered the area—Suite 21—in the interval between discovery of the body and Berkland's arrival.

"Despite weeks of furious speculation on the Internet, it's likely that Lori Klausutis died exactly the way investigators say she died: She collapsed because of a heart condition, struck her head and suffered a fatal blood clot."

—Editorial, Northwest Florida Daily News, 9/2/01

The Northwest Florida Daily News called the release of the Medical Examiner's report and its conclusions "an untidy wrap-up."

Acknowledgements: We would like to thank the incomparable R. S. Miller and S. Stanley for their diligence and good humor. Thanks also go to Dr. Michael Berkland for being forthcoming. We appreciate that this is a difficult situation for him and want to emphasize that he was gracious with his time in answering our many questions.

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for the skull to fracture [9]. A lower speed might suffice if the skull were struck in a very narrow area along the suture line, but the finding is still open to question. Furthermore, Juanita Bergmann, a trained nurse, denied observing any head injury [10].

Having cracked her skull, her brain rebounded off the other side of her skull. Berkland describes injuries on the surface of the brain on both the left and right sides. However, impact speeds higher than those required for serious injury are required for the brain to bounce off the opposite side of the skull and cause bleeding [8,9,11]. Calculations suggest that the head would be unlikely to exceed a velocity of 10 mph in a fall of this kind and rebound velocity must be less than impact velocity.

Having injured her brain, she died from intracranial bleeding, according to Berkland. He offers no explanation as to how bleeding might have continued into either the area of impact or the area of rebound (contracoup injury) after the heart beat had failed to the point of causing Lori to faint. He also offers no explanation as to how these injuries to the

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surface of the brain might have been able to affect the cardiorespiratory center deep in the brain stem in such a manner as to cause death. Furthermore, his description directly contradicts what stated in our interview: namely, that the major site of bleeding was at the site of the contracoup injury.

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