

Letter to the Editor

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"Autopsy of a President

Dr. Fishbein in his editorial of August 11 refers to my article in the July 10 issue of JAMA. In it he states: "Dr. Nichols charged that the pathologists who made the postmortem examination of the body of President John F. Kennedy should have especially recorded and publicized the condition of the adrenal glands." The content of my article does imply that a complete autopsy should have been done.

Next, he quotes Dr. Milton H. Helper as saying that "any disclosure in the autopsy findings over and above the fatal bullet wounds must be considered a private matter for the family to do with in such way as they personally desire". This citation implies ignorance on my part. I wholeheartedly agree with Dr. Helper's statement. It must be remembered that doing a complete autopsy and compiling a complete protocol of all findings does not constitute a disclosure, which arises when the protocol or a part of it is revealed to a second person.

His last sentence reads: "With respect to the right to publicize, the observations of the pathologist may be considered - both ethically and legally - to be as confidential as any other information obtained by the physician before or after his patient's death." His statement is entirely correct.

The instant when the President was pronounced dead his body passed into the custody of Dr. Earl Rose, Coroner of Dallas County, rather than to the next of kin. Dr. Rose is charged, under Texas law, with investigating murders. The results of his autopsy would have been used in court. In such cases, the interests of society take precedence over the wishes of the family, attending physicians, or any involved pathologists with relation to their autopsy findings.

After the body had been forcefully removed from Dr. Rose's jurisdiction, the autopsy apparently was performed in a nonlegal sense with permission of the next of kin without the purpose of obtaining legal evidence. Commission document No. 371 is a receipt from Mr. Robert I. Bouck to Admiral Burkley for, among other things, "authorization for postmortem examination signed by the Attorney General, Robert F. Kennedy, dated November 22, 1963." In federal jurisdictions and most states the custodial rights of the deceased pass to the next of kin, the surviving spouse, and not to a sibling.

Despite the fact that the late President's brother, Robert F. Kennedy, at that time was Attorney General, his signature on any such document was personal and carried no authority of his office, which was, at that time, without jurisdiction in such a situation.

Light on the question of omission of data about the adrenals might be obtained if the "autopsy permission" could be inspected and found to be unlimited or one forbidding examination of specified parts. Dr. Robert Bahmer, Archivist of the U.S., advised me that this "autopsy permission" cannot now be found in the archives.

After completion of the autopsy, a full complete protocol, with autopsy permit, would have been attached to the late President's clinical case record, and delivered to the person authorizing the autopsy, if so requested. If anything is omitted in the protocol the reason must be stated. Since the autopsy was a nonlegal one, the pathologists are, of course, bound to secrecy as are the clinical attendants. You erroneously quote me as saying the pathologists should have publicized their findings. Anything released to the public, including that published by the Warren Commission, must have the sanction of the person authorizing the autopsy.

Only when the pathologist is simultaneously a civil officer, such as that of coroner, does he have the authority to release data about his findings in an autopsy, without sanction and over protests of the next of kin. Of course such a case must be one of unnatural death. The autopsy report, with supplement, as published by the Commission is devoid of signals indicating data having been deleted and therefore it must be presumed to be complete.

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