

Testimony of Michael Kurtz

New Orleans, Louisiana -- June 28, 1995

CHAIRMAN TUNHEIM: Our next witness this morning is Dr. Michael L. Kurtz, Professor of History at Southeastern Louisiana and author of a 1982 book on the assassination of President Kennedy that's entitled, "Crime of the Century." Dr. Kurtz, welcome and thank you for joining us.

DR. KURTZ: Thank you, Mr. Chairman. By way of introduction, let me give the Board a very brief background on my qualifications for testifying before the Board today.

I'm one of the very few academicians who has researched and written about the assassination of President Kennedy. In addition to my book, "Crime of the Century," published by the University of Tennessee Press, I have published two scholarly articles on the assassination in the journals "The Historian" and "Louisiana History." I presented papers on the assassination at meetings of such professional organizations as Phi Alpha Theta, the Southern Historical Association and the Louisiana Historical Association.

Now I've given lectures and appeared on panels at places as diverse as Tulane University, Georgia Southern University, Harris County Community College in Texas, and so forth.

My purpose in appearing before the Board today is to provide you with suggestions about the acquisition of records as defined by the Act itself. So I will turn to that topic immediately.

First, one passage in a recent book about President Kennedy's foreign policy relationships with Soviet Premier Nikita Khrushchev, "The Crisis Years," by Michael Beschloss, struck me as very odd, and I'd like to quote the passage from page 682 of that book.

"Richard Helms, who at the time was Deputy Director of Plans for the CIA" -- this is in early 1964 I might add, the context -- "found Johnson distracted well in 1964 by his worry that Kennedy had been assassinated by conspiracy. As Helms recalled, the Agency was" -- and here Beschloss is quoting Richard Helms -- "'very helpful to Johnson on this" and met the new president's request for an independent CIA study. Motion pictures of the Dallas motorcade and autopsy photographs were sent to the agency."

In his footnotes, or I should say endnotes, Mr. Beschloss cites a personal interview with Richard Helms as the source of this statement. I urge the Board to pursue this matter, if, in fact, the CIA did conduct its own investigation of the assassination simultaneously with that of the Warren Commission, all records pertaining to that investigation should, of course, be included in the JFK Records Collection in the National Archives.

As far as I know, nothing pertaining to that special CIA investigation that Helms mentioned to Beschloss has ever been made public. Certainly nothing in the existing assassination documentation refers to the CIA's having received access to autopsy photographs. I recommend that the Board exercise its legal authority under the Act and, if necessary, subpoena Mr. Helms and interview Mr. Beschloss about this subject and require the CIA to release unedited any and all of its records concerning this 1964 investigation.

Secondly, I urge the Board to conduct a survey of the documentary record if, indeed, any exists to ascertain precisely when and how the Kennedy family came into legal possession of the autopsy photographs and X-rays and other related materials. I myself have received run-arounds and evasions from the National Archives, the Secret Service and the Kennedy Library about this matter. The family's legal control over these materials has been upheld in Federal court, but at no time has any documentation ever been produced to determine the origins of the family's legal control.

I know of no case anywhere in the United States where the family of a deceased has legal control over the autopsy records of that individual. For example, the Kennedy family does not have legal control over the autopsy records of Senator Robert Kennedy. The State of California quite properly has control over those records. How did the Kennedy family come to have legal possession of those records is a fundamental question for which some trail of evidence under the broad definition of record should exist.

And I urge the Board to, in addition to interviewing Burke Marshall, who, of course, is the Kennedy family's legal

representative on this particular matter, the deed to the National Archives in 1966, and conduct a systematic review of all records of the Secret Service, especially that agency's Protective Research Service or Division, which assumed original custody of the materials the night of the autopsy. Additionally, the Board should review all records of the Bethesda Naval Hospital about this matter.

Furthermore, along the same general lines, I urge the Board to conduct an intensive investigation into records dealing with the certain actions taken by the Secret Service in 1963. I have communicated with the Secret Service, the Kennedy Library, National Archives about this matter and all of them say no such documentation or records exist. Surely some records exist.

Why did the Secret Service remove President Kennedy's body from Dallas and transport it to Washington? What Federal statute gives the Secret Service jurisdiction over a presidential corpse? As far as I know, there is none in existence. Why were three Secret Service agents present at the autopsy at Bethesda Naval Hospital? I don't know. No documentation has ever been produced to document that.

Why did Roy Kellerman take possession of the autopsy photographs, the unprocessed negatives and the X-rays at the time of the autopsy? What legal authority did Kellerman have to possess these materials and then turn them over to Robert I. Bouck, the head of the Protective Research Service of the Secret Service, when at that time Lee Harvey Oswald was still alive and these autopsy records were properly legal documents that should have been under the jurisdiction of Dallas District Attorney Henry Wade, not the Secret Service of the United States?

Why did Secret Service Agent James Fox make a private set of autopsy photographs for himself? What legal possession did he have over those autopsy photographs and what legal authority did Fox have to sell these so-called Couch set of photographs to David Lifton in 1988 and authorize Lifton to reproduce them?

Why did Robert Bouck turn over the autopsy materials to Robert Kennedy in 1965, that is through the Evelyn Lincoln and Angela Novello chain that the House Committee tried to track down? But what legal authority did Robert Bouck have? What legal authority did Robert Kennedy have over Robert Bouck? As far as I know, there was none. Robert Bouck answered to the head of the Secret Service, who answered to the President of the United States, not to a senator from Massachusetts.

These are records that I think the Board should certainly try to investigate and not simply accept the word of an agency of the United States that no such records exist. Surely some trail of evidence exists about these questions.

As Steve Tyler was talking -- and, by golly, I wish I had gone before him instead of after him -- he did such a good job of his presentation. I disagree in the sense that I think that the Board should attempt to obtain all outtakes of all television documentaries produced about the Kennedy assassination from the time it occurred until the present.

For example, in 1967 CBS did a four-hour long special hosted by Walter Cronkite. We know for a fact that hundreds of hours of film was made, four hours aired minus the commercials. I'd like to see the Board obtain these original records, the outtakes of these documentaries, because I think that they could contain very valuable information.

For example, CBS conducted a firing test of the Mannlicher-Carcano and showed only a brief flash on the screen. The complete outtakes could certainly provide some additional information about that ballistics evidence.

And numerous other pieces of evidence should also be obtained from these, the outtakes of these documentaries.

Now in another matter, although conspiracy theories about the Kennedy assassination abound, many of them ludicrous and ridiculous, one that remains a plausible one, supported by a substantial amount of evidence, is the so-called Cuban connection to the assassination. Lyndon Johnson's well often-quoted statement to two sources, Howard K. Smith and Joseph Califano, that "Kennedy was trying to get Castro but Castro got him first." The possibility of Cuban government complicity in the assassination certainly cannot be ruled out.

I implore the Board to demand the immediate release of all records of the CIA, FBI, Defense Department, National Security Agency, State Department and any other agency of the United States Government under its jurisdiction under the Act pertaining to U.S.-Cuban relations during the period 1959 to 1963, especially any and all records concerning the assassination plots against the life of Fidel Castro.

In addition, I would like -- although Mr. Tilley mentioned that the Lyndon Johnson Library has been very cooperative in this matter, it's quite clear from what he did not say that the John F. Kennedy Library has not been cooperative at all, that the Board should request, even though the Act does not give the Board this authority since this falls under the private deed

exemption to the Act -- I believe I'm correct in saying that -- that the Board should at least publicly implore the John F. Kennedy Library to allow its staff members to listen to all White House tapes made during the Kennedy Administration and especially conversations between John Kennedy and Robert Kennedy and any other individuals concerned with U.S.-Cuban relations during that period.

The same, by the way, could be true -- I'm not aware of the existence of such -- of any tapes from the Eisenhower presidency since these activities, of course, originated in 1960 under Eisenhower's Administration.

One record, one potential record comes from a rather surprising source, H.R. Haldeman. In his memoirs, "The Ends of Power," Haldeman actually refers to the Kennedy assassination as the underlying topic of the infamous smoking gun Watergate tape of June 23, 1972, in which Haldeman and Nixon discuss the payment of money to certain Cuban associates of E. Howard Hunt, which was the primary subject of that conversation, although not the specific reason that Nixon got himself into very deep trouble and resigned a few days later, money that originally came from some of Nixon's campaign contributors.

I recommend that the Board research Mr. Haldeman's papers, as well as those of the Nixon White House tapes to determine the source of Haldeman's rather surprising reference to the Kennedy assassination within the context of that smoking gun conversation.

As Mr. Tyler briefly mentioned the name of Guy Banister, certainly Guy Banister remains an enigmatic figure in this case for the relationship, if any, between Oswald and Banister during the spring and summer of 1963. As I have in my book and I'll repeat it here today, I myself saw Banister and Oswald together in New Orleans in the summer of 1963.

On the first occasion, Banister was debating President Kennedy's civil rights policies with a group of college students, including myself. Oswald was in the company of Banister. At the time -- this is the late spring of 1963 -- I was a senior at what at that time was the Louisiana State University in New Orleans, although today it's called the University of New Orleans.

Banister was not discussing anti-communism, for which he is most widely known, but rather racial integration, and Banister was certainly a rabid segregationist to say the least, virulently critical of President Kennedy's civil rights policies.

Now the possible racist connections of Lee Harvey Oswald to Guy Banister lead to another recommendation of the Board to peruse the FBI files on such topics as Leander H.J. Perez, Sr., the Citizens Council of Greater New Orleans and a title that, of course, only the FBI under J. Edgar Hoover could have developed, "Communist Infiltration of the NAACP." There is an actual FBI file with that title. References to Guy Banister may be found also in various papers from the DeLesseps Morrison Collection from Tulane University and from the New Orleans Public Library.

And speaking of Tulane University, I'd like also the Board to investigate whether any of the papers of Leon Hubert, who was a law professor at Tulane School of Law, are at the Tulane Library because Mr. Hubert was a junior counsel for the Warren Commission and that is a possible source of material. Congresswoman Boggs' testimony earlier made me think of that.

My time has expired. With no time limit, I could easily provide the Board with innumerable other potential sources of information concerning the availability of records pertaining to the assassination.

In conclusion, I would like to state for the record that the more than three decade long history of obfuscation and suppression of records about the assassination of President Kennedy needs to be ended as expeditiously as possible. In that light, I urge this Board to exercise its authority under the Act, to release all records pertaining to the assassination without exception, and to instruct the National Archives to make them available for immediate public inspection. Thank you.

CHAIRMAN TUNHEIM: Thank you, Dr. Kurtz. Appreciate your testimony today and your advice to us. And certainly additional advice that you have that you weren't able to pass along today, we'd certainly appreciate it in writing because we will follow up on your suggestions.

DR. KURTZ: Yes, for example, Mr. Samoluk of your staff has contacted me about reproducing the preliminary hearing transcripts of the Clay Shaw trial, which we have at our library at Southeastern Louisiana University. We're trying to figure out the logistics of doing that right now.

They don't lend themselves to Xeroxing, probably an optical scanner, but be assured that we will provide the Board with copies of all of those transcripts of those Clay Shaw preliminary hearings and a few other pieces of materials that our library has and I, myself, have in personal possession. We'll certainly share copies with the Board.

CHAIRMAN TUNHEIM: Excellent. Would you mind if we ask you a few questions, the members of the Board?

DR. KURTZ: Not at all.

MR. HALL: Mr. Kurtz, Dr. Kurtz, Professor Kurtz --

DR. KURTZ: Doesn't matter. Same person.

MR. HALL: Whatever works, right. You concentrated a good deal on Cuba and potential connection of Cuba to the assassination of the President. I wonder have you thought through or addressed the question in the relationship of Mexico to Cuba and where Mexico stood in the light of the New Orleans and Louisiana economy and political community in 1963?

DR. KURTZ: You're talking about the Mexican Government now in your question. Not much to be quite honest with you. At the time, I don't recall that Mexico itself had any major relationship with the United States other than what was common knowledge. I did not think of Mexico as a source of any kind of perhaps intelligence activities, although Mexico City, of course, was a beehive of different kinds of intelligence activities and Oswald's famous trip there in September of 1963 has generated a lot of controversy.

But I don't really see a great deal of connection there, directly or indirectly, except that Mexico was a conduit to which the U.S. could communicate with the Cuban government of course.

CHAIRMAN TUNHEIM: Any questions?

MS. NELSON: Are you, Professor Kurtz, are you aware of the recent release from the FBI of records -- an interview with someone who-- or a memo I believe it is -- with someone who saw Castro reenact the assassination, the assumption behind that being that he didn't have anything to do with it? Are you aware of that?

DR. KURTZ: Yes. Yes, I am. I'm also aware of Castro's denials of having participated in the assassination of President Kennedy and also of the fact that I think a fairly strong majority of the community of Kennedy assassination scholars who agree with me that there was a conspiracy in the assassination; do not agree that Castro was the mastermind behind it.

But I do, nevertheless, I do not take Castro's denials with a grain of salt -- I mean I take them with a grain of salt and I certainly do not take Castro's experiments with the rifle to see whether or not one man could fire the shots any more than I do CBS's experiments with a rifle --

MS. NELSON: So, basically, you think there are more references out there?

DR. KURTZ: Oh, yes. I think there's a great deal more that we can learn that even members of the Church Committee did not have access to concerning all of this business. I think there's a great deal more.

I mentioned, for example, the National Security Agency as a potential source of information. I don't know that there are records but, nevertheless, I think it's an avenue of investigation the Board should pursue.

CHAIRMAN TUNHEIM: Dr. Kurtz, are you aware of any records that the government of Cuba or in private hands on the island of Cuba that might be relevant to all of this that we should be seeking? Are you aware of anything there?

DR. KURTZ: I wouldn't be surprised that there are. But I am not aware of any at all, Mr. Tunheim, and frankly, I would think that the Board would waste its time communicating with Premier Castro about this matter. He's not going to cooperate any more fully than he did I think with the House Select Committee on Assassinations.

CHAIRMAN TUNHEIM: Could you just follow up on a point that you made in your testimony, Dr. Kurtz, about the Kennedy family's control of the autopsy materials. I'm just curious about why that is significant to you, I mean as part of this entire picture. Maybe you can explain that a little more to me.

DR. KURTZ: It's significant, Mr. Tunheim, because the Kennedy family has persistently refused to make these records available to serious, honest researchers and scholars. Not only historians and academicians, but also many people highly qualified in the areas of forensic pathology, such as Dr. John Nichols and Dr. Milton Helpert, were specifically turned down by the Kennedy family in their request to inspect the autopsy materials under the deed of gift in the National Archives.

I realize, of course, that today we have -- the copies have been so widely reproduced and so forth, but as you yourself have

heard in testimony in the previous meeting from Dr. Aguilar, I believe, there are so many questions that still remain about the whole broad subject of the medical evidence in this case. I think that this is something that needs to be pursued as thoroughly as possible and any and all records pertaining to this needs to be made public.

CHAIRMAN TUNHEIM: Thank you, Dr. Kurtz. I just want to add that I found your--the introduction that you wrote to your book, "Crime of the Century," to be particularly good at putting together a lot of the different theories that are out there. I found that very useful and I just wanted you to know that.

DR. KURTZ: Thank you.

CHAIRMAN TUNHEIM: Thank you for your testimony today and your advice to us.

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Chapter 6, Part II:

Clarifying the Federal Record on the Zapruder Film and the Medical and Ballistics Evidence

A. Introduction

Many students of the assassination believe that the medical evidence on the assassination of President Kennedy, in concert with the ballistics evidence and film recordings of the events in Dealey Plaza, is the most important documentation in the case, as indeed it would be in any homicide investigation. The Review Board believed that, in order to truly address the public's concerns relating to possible conspiracies and cover-ups relating to the assassination, it would need to gather some additional information on all three of these topics. The pages that follow detail the Review Board's efforts to develop additional information on these highly relevant and interesting topics.

B. Medical Evidence

The President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act) did not task the Assassination Records Review Board with the mission of investigating the assassination or of attempting to resolve any of the substantive issues surrounding it. But the JFK Act did authorize the Review Board to pursue issues related to the documentary record, including the completeness of records and the destruction of records. In an informal discussion with the Review Board, Congressman Louis Stokes, former Chairman of the House Select Committee on Assassinations (HSCA), strongly encouraged the Review Board to do what it could to help resolve issues surrounding the documentary record of the autopsy. He advised the Board that the medical evidence is of particular importance and that he hoped that it would do all it could to complete the record. Despite being hampered by a 33-year-old paper trail, the Review Board vigorously pursued additional records related to the medical evidence and the autopsy, commencing in 1996.

I. Medical Issues

One of the many tragedies related to the assassination of President Kennedy has been the incompleteness of the autopsy record and the suspicion caused by the shroud of secrecy that has surrounded the records that do exist. Although the professionals who participated in the creation and the handling of the medical evidence may well have had the best of intentions in not publicly disclosing information protecting the privacy and the sensibilities of the President's family the legacy of such secrecy ultimately has caused distrust and suspicion. There have been serious and legitimate reasons for questioning not only the completeness of the autopsy records of President Kennedy, but the lack of a prompt and complete analysis of the records by the Warren Commission.

Among the several shortcomings regarding the disposition of the autopsy records, the following points illustrate the problem. First, there has been confusion and uncertainty as to whether the principal autopsy prosector, Dr. James J. Humes, destroyed the original draft of the autopsy report, or if he destroyed notes taken at the time of the autopsy. Second, the autopsy measurements were frequently imprecise and sometimes inexplicably absent. Third, the prosectors were not shown the original autopsy photographs by the Warren Commission, nor were they asked enough detailed questions about the autopsy or the photographs. Fourth, the persons handling the autopsy records did not create a complete and contemporaneous accounting of the number of photographs nor was a proper chain of custody established for all of the autopsy materials. Fifth, when Dr. Humes was shown some copies of autopsy photographs during his testimony before the HSCA, he made statements that were interpreted as suggesting that he had revised his original opinion significantly on the location of the entrance wound. These shortcomings should have been remedied shortly after the

assassination while memories were fresh and records were more readily recoverable.

The first step taken by the Review Board in regard to the medical evidence was to arrange for the earliest possible release of all relevant information in the Warren Commission and HSCA files. Prior to the passage of the JFK Act, the files from the HSCA contained numerous medical records that had never been released to the public. After the JFK Act came into effect, but before the Review Board was created, the National Archives and Records Administration (NARA) released many of these records. Once the Review Board staff was in place in fall of 1994, it attempted to identify all remaining records that appeared to be connected to the medical evidence and arranged for their prompt release. All of these records were sent to NARA by early 1995 without redactions and without postponements.

The Review Board queried several government entities about possible files related to the autopsy, including the Bethesda National Naval Medical Center, the Armed Forces Institute of Pathology, the Naval Photographic Center, the Senate Select Committee on Intelligence (for Church Committee Records), and the President John F. Kennedy Library. The Review Board also attempted to contact all former staff members of the House Select Committee on Assassinations. With the exception of the autopsy photographs and x-rays, which are exempt from public disclosure under the JFK Act, the Review Board arranged for the release of all governmental records related to the autopsy. There are no other restricted records related to the autopsy of which the Review Board is aware.

The Review Board's search for records thereupon extended to conducting informal interviews of numerous witnesses, taking depositions under oath of the principal persons who created autopsy records, and arranging for the digitizing of the autopsy photographs.

There were many notable successes resulting from the Board's work, a few of which may briefly be mentioned here. With the generous and public-spirited cooperation of the Eastman Kodak Company, NARA, the FBI, and a representative of the Kennedy family, the Review Board was able to provide secure transportation to ship the autopsy photographs to Rochester, New York, to be digitized on the most advanced digital scanner in the world. The digitized images will be capable of further enhancement as technology and science advance. The digitizing should also provide assistance for those who wish to pursue the question of whether the autopsy photographs were altered.² The Review Board also was able to identify additional latent autopsy photographs on a roll of film that had (inaccurately) been described as "exposed to light and processed, but showing no recognizable image." Again with the generous cooperation of Kodak, the latent photographs were digitized and enhanced for further evaluation. These digitized records have already been transferred to the John F. Kennedy Assassination Records Collection (JFK Collection) at NARA. Access to these materials is controlled by a representative of the Kennedy family.

On another front, through staff efforts, the Review Board was able to locate a new witness, Ms. Sandra Spencer, who worked at the Naval Photographic Center in 1963. She was interviewed by phone and then brought to Washington where her deposition was taken under oath in the presence of the autopsy photographs. Ms. Spencer testified that she developed post-mortem photographs of President Kennedy in November 1963, and that these photographs were different from those in the National Archives since 1966. In another deposition under oath, Dr. Humes, one of the three autopsy prosecutors, acknowledged under questioning in testimony that appears to differ from what he told the Warren Commission that he had destroyed both his notes taken at the autopsy and the first draft of the autopsy report. Autopsy prosecutor Dr. "J" Thornton Boswell, in an effort to clarify the imprecision in the autopsy materials, marked on an anatomically correct plastic skull his best recollection of the nature of the wounds on the President's cranium. The autopsy photographer, Mr. John Stringer, in detailed testimony, explained the photographic procedures he followed at the autopsy and he raised some questions about whether the supplemental brain photographs that he took are those that are now in NARA. His former assistant, Mr. Floyd Riebe, who had earlier told several researchers that the autopsy photographs had been altered based upon his examination of photographs that have been circulating in the public domain, re-evaluated his earlier opinion when shown the actual photographs at NARA.

Perhaps the most challenging aspect of the Review Board's work on the medical evidence was the preparation and taking of the depositions of the principal persons with knowledge about the autopsy and autopsy records. Although conducting such work was not required by the JFK Act, the Review Board sought to obtain as much information as possible regarding the documentary record. Accordingly, it identified all of

the still-living persons who were involved in the creation of autopsy records and brought virtually all of them to NARA. For the first time, in the presence of the original color transparencies and sometimes first-generation black-and-white prints, the witnesses were asked questions about the authenticity of the photographs, the completeness of the autopsy records, the apparent gaps in the records, and any additional information in their possession regarding the medical evidence. The witnesses came from as far away as Switzerland (Dr. Pierre Finck) and as close as Maryland (Dr. "J" Thornton Boswell). In conducting the depositions, the Review Board staff sought to approach the questioning in a professional manner and without prejudging the evidence or the witnesses.

Near the end of its tenure, the Review Board also took the joint deposition of five of the Dallas physicians who treated the President's wounds at Parkland Memorial Hospital on November 22, 1963.

There were three closely related problems that seriously impeded the Review Board's efforts to complete the documentary record surrounding the autopsy: a cold paper trail, faded memories, and the unreliability of eyewitness testimony. An example of the cold paper trail comes from Admiral George Burkley, who was President Kennedy's military physician and the only medical doctor who was present both during emergency treatment at Parkland Memorial Hospital and at the autopsy at Bethesda Naval Hospital. In the late 1970s, at the time of the HSCA's investigation, Dr. Burkley, through his attorney, suggested to the HSCA that he might have some additional information about the autopsy. Because Dr. Burkley is now deceased, the Review Board sought additional information both from his former lawyer's firm, and from Dr. Burkley's family. The Burkley family said it did not possess any papers or documents related to the assassination, and declined to sign a waiver of attorney-client privilege that would have permitted the Review Board access to the files of Mr. Illig (also now deceased), Burkley's former attorney.

Memories fade over time. A very important figure in the chain-of-custody on the autopsy materials, and the living person who perhaps more than any other would have been able to resolve some of the lingering questions related to the disposition of the original autopsy materials, is Robert Bouck of the Secret Service. At the time he was interviewed he was quite elderly and little able to remember the important details. Similarly, the records show that Carl Belcher, formerly of the Department of Justice, played an important role in preparing the inventory of autopsy records. He was, however, unable to identify or illuminate the records that, on their face, appear to have been written by him.

Finally, a significant problem that is well known to trial lawyers, judges, and psychologists, is the unreliability of eyewitness testimony. Witnesses frequently, and inaccurately, believe that they have a vivid recollection of events. Psychologists and scholars have long since demonstrated the serious unreliability of peoples' recollections of what they hear and see. One illustration of this was an interview statement made by one of the treating physicians at Parkland. He explained that he was in Trauma Room Number 1 with the President. He recounted how he observed the First Lady wearing a white dress. Of course, she was wearing a pink suit, a fact known to most Americans. The inaccuracy of his recollection probably says little about the quality of the doctor's memory, but it is revealing of how the memory works and how cautious one must be when attempting to evaluate eyewitness testimony.

The deposition transcripts and other medical evidence that were released by the Review Board should be evaluated cautiously by the public. Often the witnesses contradict not only each other, but sometimes themselves. For events that transpired almost 35 years ago, all persons are likely to have failures of memory. It would be more prudent to weigh all of the evidence, with due concern for human error, rather than take single statements as "proof" for one theory or another.

C. Zapruder Film

In the spring of 1996, the Review Board began to consider how it might answer questions about chain-of-custody, or provenance, of selected film records, or enhance or better preserve selected film records.

1. Ownership of the Zapruder Film

At the time that Congress passed the JFK Act, Abraham Zapruder's famous 8mm film depicting the death of President Kennedy was in the possession of NARA. The Zapruder film, which records the moments when President Kennedy was assassinated, is perhaps the single most important assassination record. In 1978, Abraham Zapruder's son, Henry G. Zapruder, deposited the original Zapruder film with the National

Archives for safekeeping. Legal ownership of the film, however, was still retained by the Zapruder family. As the Zapruder family stated upon transmission of the film to the National Archives, "the Film will be held by the Archives solely for storage purposes and...the Archives has acquired no rights whatsoever to the Film."³

In March 1993, shortly after passage of the JFK Act, Henry Zapruder sought unsuccessfully to remove the original film from the National Archives. In October 1994, the Zapruder family, through its attorney, again sought return of the original film. NARA declined to return the original film, knowing that the JFK Act may have affected the legal ownership status of the film.

Thereafter, NARA, the Review Board, and the Department of Justice sought to clarify the status of the original film under the JFK Act, including whether the U.S. government could legally acquire the original film and what the value of compensation to the Zapruder family would be under the takings clause of the Fifth Amendment. In addition, the U.S. government had numerous discussions with legal counsel for the Zapruder family regarding a legal "taking" of the film, the compensation to be accorded to the family, and copyright issues regarding the film.

In 1997, the Review Board deliberated, and ultimately asserted, its authority under the JFK Act to acquire legal ownership of the original Zapruder film. On April 2, 1997, the Review Board held a public hearing "to seek public comment and advice on what should be done with the camera-original motion picture film of the assassination that was taken by Abraham Zapruder on November 22, 1963." The issue facing the Board was whether the Zapruder film was an "assassination record" that "should be in the JFK Collection at the Archives" and whether it "should...be Federal Government property rather than the property of private citizens."⁵ The Review Board also had to consider how to acquire the film for the American people, whether through the exercise of a takings power or through negotiation with the Zapruder family.

At its April 1997 hearing, the Review Board heard testimony from six experts who addressed a variety of issues, including the constitutional and legal issues involved in effecting a "taking" of the film and the benefits in having U.S. government ownership of the original film. Following the Zapruder film hearing, the Review Board held an open meeting on April 24, 1997, and resolved to secure legal ownership of the original Zapruder film for the American people. The Board's "Statement of Policy and Intent with Regard to the Zapruder Film," adopted unanimously by the Board, resolved: (1) that the Zapruder film was an assassination record within the meaning of the JFK Act; (2) that the Board would attempt to ensure that the best available copy of the film be made available to the public at the lowest reasonable price; (3) that the Board would work cooperatively with the Zapruder family to produce the best possible copy for scholarly and research purposes, establish a base reference for the film through digitization, and to conduct all appropriate tests to evaluate authenticity and to elicit historical and evidentiary evidence; and (4) that the original film be transferred to the JFK Collection on August 1, 1998 and that the Review Board would work with Congress to resolve this issue.

In June 1998, Congressman Dan Burton, Chairman of the House Committee on Government Reform and Oversight, which oversees the work of the Review Board, wrote to the Department of Justice expressing Congressional support for the efforts of DOJ to carry out the "Board's commitment to ensuring that the original Zapruder film remains in the custody of the American people as the most important assassination record."⁶ At the time of this Report, the Department of Justice was engaged in negotiations with the Zapruder family to resolve all outstanding issues relating to the legal transfer of the film from the family to the U.S. government, including the issue of compensation to be paid to the family for the film. The transfer of the original Zapruder film to the JFK Collection was effective August 1, 1998.

2. Staff Examinations of Films Designated as "In-Camera" Original, and First Generation Copies, by NARA

The Review Board determined that there should be an examination of the Zapruder films at NARA designated as the original and the two Secret Service copies (believed to be first generation copies) for the purpose of recording characteristics of the three films. (See illustration.) [omitted here] (The Review Board subsequently determined that the LMH Company the Zapruder family's company possessed a third first generation copy of the Zapruder film.) The Review Board hoped that the recorded observations would serve to provide information to a public that would not be able to obtain physical access to these films, and second, would determine whether the film should be examined by photographic experts. Ultimately, the staff recommended, and the Review Board agreed, that it would approach Eastman Kodak to request that Kodak examine the Zapruder film.

3. Eastman Kodak's Pro Bono Work for the Review Board Related to the Zapruder Film (and Autopsy Photographs)

The Review Board first met with the Eastman Kodak Company in June 1996 in Washington to discuss a wide variety of possible research topics related to a host of potential film issues. At that time, Kodak stated that it would provide a limited amount of pro bono work for the Review Board. The Review Board continued discussions with Kodak laboratory officials based in Rochester, New York, and subsequently met with Kodak technical experts James Milch and Roland Zavada in Washington, D.C. At that meeting, the Review Board identified three major areas of interest, only one of which related to the Zapruder film: (1) the possible digitization and enhancement of the Zapruder film, as well as edge print analysis of the original and first generation copies, and study of the optical characteristics of the Zapruder camera in relation to perceived "anomalies" in the original film; (2) the possible enhancement and, if necessary, optical (i.e., film, not medical) analysis of autopsy images; and (3) a study of the provenance of film materials subpoenaed by the Review Board from Robert J. Groden for examination. Kodak laboratory experts Milch and Zavada viewed the original Zapruder film, a Secret Service first generation copy, and some of the Groden materials for the first time at NARA during their September 1996 visit to Washington.

Kodak subsequently offered to contribute up to \$20,000 of labor and materials to the Review Board in pro bono work the equivalent of roughly 35 days of effort. Kodak confirmed, at a meeting with the Review Board in August of 1997, that Zavada, a retired Kodak film chemist who was formerly Kodak's pre-eminent 8 mm film expert, was the consultant that Kodak had hired to: (1) attempt to write a "primer" explaining the optical and mechanical operating characteristics of Abraham Zapruder's 8 mm Bell and Howell home movie camera; (2) explain the relationship, if any, between the camera's operating characteristics and perceived "anomalies" in the original film; and (3) answer questions about the provenance of the original film and the first generation copies. ("Provenance" issues that Mr. Zavada took on included studying the chain-of-custody documents executed in November 1963 by Abraham Zapruder; conducting interviews of surviving personnel involved in the development of the original film, and the exposure and developing of the three first generation copies; and studying manufacturer's edge print, processing lab edge print, and the physical characteristics of the optical printer believed to have been used to create the three first generation copies on November 22, 1963.)

In addition, in August 1997 James K. Toner, the Laboratory Head of Kodak's Imaging Science Resources Lab in Rochester, presented a methodology for making the best possible direct digitization of the original Zapruder film. Kodak also began to make arrangements with NARA and the Review Board for the digital preservation and enhancement of the autopsy images of President Kennedy, under the direct guidance of Toner.

In September 1997, Toner and Zavada visited Washington and, in addition to studying selected autopsy film and x-ray images at NARA, they also studied perceived anomalies in the inter-sprocket areas of the original Zapruder film, and the emulsion characteristics and edge print characteristics of what NARA presumed to be the camera-original Zapruder film and the two Secret Service first generation copies. (See the 3 illustrations on page 121 [omitted here].) Following this visit, Zavada began writing his extensive report on Zapruder film issues, which expanded in scope as his research into camera optics and printer characteristics continued. This report was scheduled for completion by Kodak no later than September 30, 1998; six copies were scheduled for deposit at NARA in the JFK Collection.

Kodak ultimately spent approximately \$53,000 on work related to the digitization and enhancement of the President's autopsy images, and approximately \$11,000 on work related to Zapruder film issues, significantly exceeding its original estimate of donated labor and materials. The Review Board gratefully acknowledges the public service provided to the American people by the Eastman Kodak Company.

4. The Review Board Staff's Study and Clarification of Paul Hoch's FOIA Lead "CIA Document 450"

The Review Board staff located and interviewed two former employees of the CIA's National Photographic Interpretation Center (NPIC) and questioned them about "CIA Document 450," a 1970s Freedom Of Information Act release original document undated that indicates NPIC had a version of the Zapruder film, made "internegatives" and "copies," conducted a "print test," and performed a shot-and-timing analysis based

on interpretation of the film's content.

Both individuals indicated that the internegatives made were of single frames only, and the prints made (from these same internegatives) were of single frames only for briefing boards and that they never reproduced (or altered) the film as a motion picture. They identified portions of the document related to this activity: magnification and reproduction of small motion picture frames as prints. To this extent, the document has been demystified. However, other questions, such as who conducted the shot-and-timing analysis, and who assembled the briefing boards, remain unanswered.

D. Ballistics

In April 1995, a member of the public wrote to Attorney General Janet Reno to advise her that Warren Commission Exhibit 567 (CE 567) a bullet fragment may have embedded in it tiny strands of fiber that the writer believed came from President Kennedy's shirt collar. [See illustration.] [omitted here] In January 1996, John Keeney, Acting Assistant Attorney General, wrote to FBI Director Louis Freeh requesting that the FBI "initiate an inquiry into specific aspects of the assassination theory related to collected bullet fragments and residues now in the possession of the federal government."

The Review Board determined that the Firearms Examination Panel of the HSCA recommended analysis of CE 567 more than 19 years ago. For unknown reasons, the Panel's recommendation did not appear in the HSCA's March 1979 final report. The Review Board contacted former HSCA staff members to determine why this recommendation was deleted from the draft when the final HSCA report was published, but the former HSCA staff members and Firearms Panel members contacted were not able to provide a reason for the omission of the recommendation.

In March 1996, the Review Board, the FBI, the Department of Justice, and NARA began a series of meetings to discuss re-examination of the ballistics evidence. In June 1996, the FBI provided its report to the Review Board and stated that "a complete fiber analysis could be conducted on the fibrous debris adhering to CE 567 and the materials composing the shirt and the tie [of President Kennedy]."

In August 1998, after lengthy consideration about whether the testing would be appropriate, NARA finally agreed to allow limited testing of CE 567 to complete the earlier recommendation of the HSCA's Firearms Panel. NARA also determined that the bullet fragment should be tested for "suspected biological tissue and/or organic material," the presence of which was noted by the HSCA in 1978 and the FBI in 1996.

In September 1998, testing began on CE 567 and, at the time of this writing (September 1998), was ongoing. NARA will issue its report on the results of the testing in October 1998.

Chapter 6, Part II

Endnotes

1 Most of the section of this Report relating to medical evidence and medical issues was printed and distributed to the public in a Staff Report dated July 31, 1998 when the Review Board released its deposition transcripts and written reports of unsworn interviews relating to medical issues.

2 Although the Review Board does not offer opinions on the substantive issues related to the assassination, it believes that trained medical personnel will possibly be able to provide additional illuminating explanations regarding the autopsy after examining the enhanced images. It should be noted, however, that although the digitizing significantly enhanced the clarity of the images, many questions are likely to remain unanswered.

3 July 10, 1978 Letter from Henry G. Zapruder to James Moore, National Archives.

4 Transcript of Review Board Proceedings, Hearing on the Status and Disposition of the "Zapruder Film," April 2, 1997, at 5 (statements of Chairman Tunheim).

5 Id., at 11 (statements of General Counsel Gunn).

6 June 5, 1998 Letter from Chairman Burton to Frank W. Hunger, Assistant Attorney General for the Civil Division.





*Delivered to A. Buckley
10/98*

Chapter 7

Pursuit of Records and Information from Non-Federal Sources

I firmly believe that the Board has an obligation to seek out assassination records from all sources; public and private. The goal of Congress in passing S. 3006 was to ensure broadest possible disclosure of the records relating to the assassination. The fact that a document exists only in private hands should not deter the Board in any way from seeking to compel its transmission to the National Archives. Judge Tunheim at the Review Board nomination hearings.

Through fair and impartial application of the criteria developed by the Review Board and keeping in mind always the express purposes of the enabling legislation, I believe that the Review Board should be as aggressive as it needs to be to achieve disclosure of relevant records. That also applies to records held by private citizens... --William Joyce at the Review Board nomination hearings.

A. Pursuit of Records and Papers from Private Citizens and Organizations

The Review Board actively encouraged private citizens and organizations who possessed assassination records to donate them to the JFK Collection to make the collection as historically rich as possible. Fortunately, private citizens were willing to donate materials, often in the form of a deed of gift, to the collection. The Review Board also received countless essays, interview transcripts and books, usually not accompanied by a deed of gift. These, too, will become part of the JFK Collection. Below is an overview of materials donated by private citizens.

1. Gary Aguilar: Interviews with Drs. Humes and Boswell

Dr. Gary Aguilar of San Francisco provided the Review Board with an audiotape of his 1994 telephone interviews with Dr. James J. Humes and Dr. "J" Thornton Boswell, the two Navy prosecutors at President Kennedy's autopsy.

2. Richard Barnes: AP Wire Copy

Richard Barnes, a former Associated Press reporter, donated to the JFK Collection AP wire copy for November 22 through November 26, 1963. The material chronicles the first

AP news reports of President Kennedy's assassination, Lee Harvey Oswald's arrest, Jack Ruby's shooting of Lee Harvey Oswald, and President Kennedy's funeral. Barnes, a San Francisco-based AP reporter in 1963, obtained permission from his editor to keep the wire copy, which would otherwise have been thrown away.

3. Dr. George Burkley

The Review Board contacted the children of deceased Vice Admiral George G. Burkley, former military White House physician to Presidents Kennedy and Johnson, to find out if their father had deposited his papers at any institution, or if they possessed any assassination records. The staff came up empty-handed.

According to House Select Committee on Assassinations records, Burkley's personal attorney apparently told the HSCA that his client believed there was a conspiracy to kill President Kennedy. Mr. Illig, Burkley's attorney, however, is now deceased. The Review Board staff asked Burkley's daughter, the executor of his estate, to sign a waiver allowing the Review Board access to papers at Illig's law firm, but she declined to sign and return the waiver.

4. Edward Scannell Butler: Materials from the Information Council of the Americas

Chapter 6 of this report discusses the Review Board's attempts to locate government records on Edward Scannell Butler and his organization, the Information Council of the Americas. INCA is a New Orleans-based clearinghouse for anti-communist information, and particularly for anti-Castro Cuban information.

Although Butler allowed Review Board staff to view INCA files, he said he could not provide copies of them to the JFK Collection until he catalogued the material. He also declined the Board's offer to send its staff members to New Orleans to determine what INCA records would be of value to the JFK Collection.

5. Mrs. Marion Ebersole: Records of Dr. John J. Ebersole

The Review Board staff contacted the widow of Dr. John J. Ebersole, the Navy radiologist who was on duty the night of President Kennedy's autopsy at Bethesda National Naval Medical Center. Although he was not yet board-certified, he served as the consulting radiologist during the procedure. Ebersole said she did not have any of her husband's personal papers or any assassination records.

6. President Gerald Ford: Desk Diaries

President Gerald Ford donated to the JFK Collection selected entries from his desk diaries (calendars) from 1963 and 1964 during the period that he served as a member of the Warren Commission. The Review Board staff reviewed the calendars for relevance and selected excerpts for donation to the JFK Collection with the cooperation of President Ford.

7. Justice Abe Fortas

Former Supreme Court Justice Abe Fortas, who was an adviser to President Johnson, kept papers that include drafts of President Johnson's and Lady Bird Johnson's written statements to the Warren Commission and documents rebutting passages from William Manchester's book, *The Death of a President*. Fortas donated his papers to Yale University, but the Review Board secured copies of the assassination-related material for the JFK Collection. NARA will open Fortas' assassination-related papers in January 2001, which is the same date that Yale will open the remainder of his papers.

8. Captain J.W. "Will" Fritz

Dallas Police Department Captain J.W. "Will" Fritz served as Lee Harvey Oswald's primary interrogator when Oswald was in police custody from the afternoon of November 22 until the morning of November 24, 1963. Fritz was the chief of the Dallas Police Department's Homicide and Robbery Bureau. In November 1997, the Review Board acquired and released handwritten notes that Fritz apparently made following his interviews with Oswald.

9. Jim Garrison

The late Jim Garrison was the New Orleans District Attorney who investigated and prosecuted Clay Shaw for conspiracy to assassinate President Kennedy and who was portrayed in Oliver Stone's film, *JFK*.

Garrison's family donated 15,000 pages of his assassination papers, which include records from his investigation and prosecution of Shaw, as well as other files on individuals or subjects that Garrison believed to be connected to the assassination.

10. James P. Hosty Jr.

In November 1996, the Review Board interviewed James P. Hosty, Jr., the FBI agent responsible for handling the Lee Harvey Oswald and Marina Oswald cases when they lived in Dallas. Hosty was present during the initial Dallas police interrogation of Oswald and took contemporaneous handwritten notes. Although the notes were believed to have been destroyed, Hosty donated the notes, and other materials relating to the assassination and the FBI's investigation, to the JFK Collection.

11. Wesley Liebeler

Wesley Liebeler, former Assistant Counsel to the Warren Commission, testified before the Review Board at its Los Angeles public hearing in September 1996. At the time of his testimony, Liebeler provided to the Review Board copies of six chapters from his unfinished book on the assassination. In addition, Liebeler provided the Review Board with a report on the Zapruder film written by UCLA Physics professor Brian Jones. Liebeler had apparently requested that Jones examine the Zapruder film and prepare the report.

12. David Lifton: Medical Evidence

David Lifton, author of *Best Evidence: Disguise and Deception in the Assassination of John F. Kennedy*, testified before the Review Board at its public hearing in Los Angeles in September 1996. During his testimony, Lifton announced that he would donate to the JFK Collection his 35mm "interpositive" of the Zapruder film. Interpositives are valuable because they are made directly from internegatives, which in turn are made from the original film. They therefore provide denser colors and better resolution than projection prints.

Lifton also donated compact disk copies of interviews he conducted with medical witnesses from both Parkland Hospital in Dallas and Bethesda National-Naval Medical Center. Some of Lifton's medical interviews date from as early as 1966.

In addition, Lifton provided the Review Board staff with audiotapes, videotapes, and transcripts of selected witness interviews. Lifton's donations are now in the JFK Collection.

13. Holland McCombs

Holland McCombs, now deceased, was a *Life* magazine correspondent in Dallas at the time of the assassination. A private citizen told the Review Board that there were assassination records in Mr. McComb's papers, which are housed at the Paul Meek Library of the University of Tennessee at Martin. In July 1996, a Review Board staff member reviewed hundreds of boxes of McComb's papers and located seven boxes relating to his interest in the assassination. The Board staff marked approximately 600 records and transferred photocopies of those records to the JFK Collection.

14. Richard Case Nagell

In his book *The Man Who Knew Too Much*, author Dick Russell wrote about Richard Case Nagell, a former Army Counterintelligence Officer who told Russell he: (1) had conducted surveillance on Lee Harvey Oswald for both the CIA and the KGB; (2) had been recruited by a KGB agent (masquerading as a CIA operative) to persuade Oswald not to participate in a plot against President Kennedy; (3) had been instructed by the KGB to kill Oswald if he could not dissuade him from participating in the plot; (4) was in possession of a Polaroid photograph that had been taken of himself with Lee Harvey Oswald in New Orleans; (5) had audio tape recordings of Oswald and others discussing a forthcoming assassination attempt on President Kennedy; and (6) had sent a letter, via registered mail, to FBI Director J. Edgar Hoover in September 1963, warning of a conspiracy to kill President Kennedy in late September 1963 in Washington, D.C. (and had documentary proof of the mailing of said letter).

The Review Board sent a letter to Nagell dated October 31, 1995, requesting that Nagell contact the Review Board's Executive Director to discuss any assassination records he might have in his possession. Subsequently, the Review Board was informed that Nagell had been found dead in his Los Angeles apartment the day after the ARRB's letter was mailed. (The coroner ruled that he died as a result of natural causes.)

A member of the Review Board staff traveled twice to California to inspect the effects of Nagell in an attempt to find assassination records. During the first trip, the Review Board staff member, along with Nagell's son and niece, inspected Nagell's apartment in Los Angeles. During the second trip, the Review Board staff member inspected, again with the assistance of the son and niece, material contained in some footlockers found in storage in Phoenix, Arizona. The Review Board staff did not locate any of the items that Dick Russell references above.

A considerable amount of documentary material on Nagell from the U.S. Secret Service and the U.S. Army's

Investigative Records Repository (IRR) was placed in the JFK Collection as a result of the JFK Act and the efforts of the Review Board staff.

The CIA processed as part of its sequestered collection a 201 and Domestic Contacts Division file on Nagell. The Review Board staff also reviewed a CIA Office of Security file on Nagell. The entire file was designated an assassination record.

15. New Orleans Metropolitan Crime Commission

The Metropolitan Crime Commission is a private, anti-crime organization that, since the 1950s, has investigated public corruption and organized crime in the New Orleans area. HSCA staff members reviewed MCC records on organized crime figures, such as Carlos Marcello, and on the Garrison investigation. The MCC also granted the Review Board permission to review its records. Board staff members initially identified 12 boxes that they believed would enhance the JFK Collection.

About half of the MCC records copied by Board staff concern New Orleans District Attorney Garrison's investigation of the assassination. The remaining half of the records are files that had belonged to Guy Banister. Most of the Banister material dates from the early 1950s when he worked for the New Orleans Police Department. A large number of those documents NOPD "Internal Affairs" investigative files detailing small-time police corruption were irrelevant to the Kennedy assassination.

Review Board staff members designated as assassination records only the MCC documents that were not exclusively related to NOPD's internal affairs. It still was a sizable number. Ultimately, the Board added some 3,000 pages of MCC records to the JFK Collection.

16. Gerald Posner

Gerald Posner, author of the book *Case Closed*, testified before Congress during debate over the JFK Act that he had interviewed both Navy autopsy prosecutors, Drs. Humes and Boswell. When asked if he would donate his notes of those interviews to the JFK Collection and if he had any audiotapes of those interviews, Posner responded, "I would be happy, Mr. Chairman, to ask Drs. Humes and Boswell if they would agree for their notes to be released to the National Archives." The Review Board's initial contact with Posner produced no results. The Review Board never received a response to a second letter of request for the notes.

17. Frank Ragano

Frank Ragano, who died in 1998, was an attorney for reputed organized crime figures. Ragano represented both Jimmy Hoffa and Santo Trafficante. In Ragano's 1994 book, *Mob Lawyer*, Ragano claimed that Jimmy Hoffa used him as a messenger to ask Trafficante and Carlos Marcello to arrange for the murder of President Kennedy. Ragano further wrote that in 1987 Trafficante confessed to him that he, Trafficante, had been involved in the assassination.

Ragano also stated in his book that he possessed original, contemporaneous notes of meetings with organized crime figures. To determine whether Ragano's notes were relevant to the assassination, the Review Board subpoenaed the notes and deposed Ragano. He produced several handwritten notes regarding the assassination, but he could not definitively state whether he took them during the meetings in the 1960s or later when he was working on his book in the 1990s.

The Review Board submitted the original notes to the Secret Service to see if it could determine when Ragano created the notes, but the Secret Service was unable to provide a conclusive answer. Ragano's testimony to the Review Board is now available to the public in the JFK Collection as a transcript and an audio recording. Ragano's notes are attached to his deposition transcript.

18. J. Lee Rankin: Warren Commission Papers

James Rankin Jr., the son of the late J. Lee Rankin, the General Counsel of the Warren Commission, testified at the Review Board's public hearing in Los Angeles and subsequently agreed to donate his father's papers to the JFK Collection. J. Lee Rankin's Warren Commission files include memos and handwritten changes to draft chapters of the Commission report that Commission members Gerald Ford, John McCloy and Allen

Dulles, among others, recommended.

19. Clay Shaw: Personal Papers and Diary

Clay Shaw, the New Orleans businessman whom District Attorney Jim Garrison prosecuted for conspiracy to murder President Kennedy, left personal papers with one of his friends. The Review Board acquired the papers for inclusion in the JFK Collection. The papers, which fill seven boxes, include Shaw's diary from the time of the trial; records from Shaw's criminal case; and Shaw's correspondence, business records, passports, personal records, and photographs.

20. Walter Sheridan

In its effort to comply with the JFK Act, the John F. Kennedy Library reviewed its holdings for groups of records that could contain assassination records. Among others, it found the records of Walter Sheridan, an investigator who worked for Robert F. Kennedy and later for NBC. The library identified folders of materials, primarily notes, related to Sheridan's work as an investigative reporter for NBC covering the prosecution of Clay Shaw. In 1967, Sheridan produced an hour-long television special on the assassination.

In 1994, the library informed Sheridan that it was processing his records and sending them to the JFK Collection at NARA. Sheridan requested that the library return the identified assassination records to him, and the library honored his request. Sheridan, however, died in January 1995. NBC then claimed it owns the rights to the Sheridan papers. The dispute is now pending.

21. Dallas Sixth Floor Museum Records

The Sixth Floor Museum in Dallas, Texas, is dedicated to providing information to the public about President Kennedy's assassination, and it contains an archives section that holds original films and documents. The museum is on the sixth floor of the former Texas School Book Depository, the exact location from which Lee Harvey Oswald allegedly shot President Kennedy.

The Review Board sought to identify museum records that should be part of the JFK Collection. After deposing Sixth Floor Museum officials and negotiating with the museum, the Review Board secured copies of Parkland Hospital records on the medical treatment of President Kennedy; autopsy records for Lee Harvey Oswald, Jack Ruby, and Dallas police officer J.D. Tippit; court papers from Jack Ruby's criminal trial; Parkland physician Dr. Charles J. Carrico's papers; and several home movies depicting the Presidential motorcade in Dallas.

22. Martin Underwood

Martin Underwood, a former advance man for Presidents Kennedy and Johnson, was a member of President Kennedy's advance team in Texas

in November 1963. A researcher who worked with Seymour Hersh on his book, *The Dark Side of Camelot*, told the Review Board that Underwood claimed that President Johnson sent Underwood to Mexico City in 1966 or 1967 to see what he could learn about the Kennedy assassination. Underwood allegedly met with Win Scott, former CIA Chief of Station in Mexico City.

The researcher provided the Review Board with copies of handwritten notes, on White House stationery, ostensibly prepared by Underwood and documenting his meeting with Scott. The notes state that Scott told Underwood that the CIA "blew it" in Dallas in November 1963. On the morning of November 22, the agency knew that a plane had arrived in Mexico City from Havana, and that one passenger got off the plane and boarded another one headed for Dallas. Underwood's notes state that Scott said that CIA identified the passenger as Fabian Escalante.

The researcher also stated that someone instructed Underwood to follow Judith Campbell Exner on her 1960 train trip from Washington, D.C., to Chicago, during which she was alleged to have carried money between Senator Kennedy (the Democratic Party nominee) and organized crime boss Sam Giancana.

The Review Board staff informally interviewed Underwood. Underwood confirmed that he traveled to

Mexico City in 1966, but said that he went to advance President Johnson's trip and not to look into circumstances surrounding President Kennedy's assassination. While in Mexico City, Underwood met with Scott concerning the details of President Johnson's trip. During Underwood's meeting with Scott, he said they did discuss President Kennedy's assassination and that Scott told him the story that the researcher relayed to the Review Board.

When Review Board staff asked Underwood about any notes he may have taken, he initially claimed to have no memory of any notes. Upon viewing copies of the notes that the researcher provided to the Review Board, Underwood said that he had written the notes in 1992 or 1993 for a researcher to use for Hersh's book. Underwood explained that the notes are on White House stationery because he has a lot of extra White House stationery left over from his work with President Johnson.

Underwood could not remember whether he had contemporaneous notes from his meeting with Scott. He also denied that he followed Judith Campbell Exner on a train and that he had no knowledge about her alleged role as a courier.

After the informal interview, Underwood forwarded to the Review Board a set of typed notes from his 1966 trip to Mexico City and his meeting with Scott. The typed notes documented Underwood's activities in Mexico City and briefly mentioned his meeting with Scott. The notes do not mention Underwood's conversation with Scott about the Kennedy assassination. Instead, the notes state that Underwood sought Scott's assistance in staging a big welcome for President Johnson. The Review Board subsequently requested Underwood to testify under oath, but due to health problems, he was not available. Underwood's notes now are part of the JFK Collection.

23. Edward Wegmann

Cynthia Wegmann, the daughter of the late Edward Wegmann, a New Orleans lawyer who assisted in defending Clay Shaw during his conspiracy trial, testified before the Review Board at its New Orleans hearing and donated his assassination-related papers to the JFK Collection.

Wegmann's collection includes some documents from Garrison's office files that Wegmann and his colleagues obtained from former Garrison investigator William Gurvich. While working for Garrison, Gurvich became disenchanted and decided to quit. Before leaving, he made copies of Garrison's memoranda and witness interviews. He later gave his copies to Shaw's attorneys.

The Wegmann papers contain some 6,000 pages and are now in the JFK collection.

24. Thomas W. Wilson

On September 11, 1998, Mr. Thomas W. Wilson of Pennsylvania made a presentation to Review Board staff summarizing his eight years of research into the authenticity and significance of the JFK autopsy images and the Zapruder film, and additional study of the Mary Moorman Polaroid photograph, using "photonics" as a technological tool.

Mr. Wilson donated the following materials to the JFK Collection: (1) a 20-page "executive summary" of his work; (2) a graphic presentation of Mr. Wilson's research conclusions about President Kennedy's head wounds, using "A.D.A.M." software to display his conclusions; (3) a 20-minute audiotape of a discussion between Mr. Wilson and former Navy x-ray technician Jerrol Custer, dated 3/28/98; and (4) a commercially sold videotape summarizing his work.

Mr. Wilson believes he possesses a considerable amount of scientific and physical evidence, accumulated over eight years (from 1988-1996), proving his contention that President Kennedy was shot from the front, not from behind. He is willing to donate all of this material to the JFK Collection if FBI or Department of Justice officials will first allow him to make his full two-day presentation on the evidence he has collected regarding the Moorman photograph, the Zapruder film, and the autopsy photographs of President Kennedy.

B. Pursuit of Audio-Visual Material from Private Citizens and Organizations

Below is a list of the audio-visual material from private citizens and organizations that the Board was able to

obtain.

1. Tom Alyea: Film from Inside the Texas School Book Depository

Tom Alyea, a cameraman for Dallas television station WFAA, shot film while he was trapped in the Texas School Book Depository, which was sealed by the Dallas Police Department after the assassination. Alyea's footage includes shots of the sixth floor sniper's nest.

In May 1996, Review Board staff met with Alyea, who agreed, in writing, to donate his original 16mm film to the JFK Collection. Alyea gave the film to the JFK Collection at that time, and as agreed, the Review Board sent Alyea a 16mm positive copy and a 16mm negative copy.

Alyea later decided that he wanted the Board to return the film to him. The Review Board, however, could not do so because the film was then at the National Archives, a federal agency, and therefore came under Section 5 of the JFK Act. Section 5 requires agencies to place all assassination records in their possession in the JFK Collection.

2. Charles Bronson: Film of Dealey Plaza

The Review Board approached the family of the late Charles Bronson, a private citizen who filmed the scenes in Dealey Plaza shortly before and after President Kennedy's assassination, and requested that they consider donating Bronson's film. The family declined.

3. CBS Outtakes

The Review Board approached executives at CBS, the network holding the largest volume of television coverage and subsequent specials about the assassination, to request that they consider donating their outtakes to the JFK Collection. CBS owns rare interview outtakes with individuals such as Marina Oswald Porter.

CBS agreed to donate its outtakes from its television specials to the JFK Collection. The Review Board anticipates that the CBS records eventually will become part of the JFK Collection.

4. Robert Groden

Robert Groden, a photo-optics technician, was the first to publicly screen the famous Zapruder film as a motion picture. Subsequently he served as an unpaid photographic consultant for the HSCA.

Groden's collection of assassination photos and films is renowned throughout the assassination research community, and many suspect that Groden made unauthorized copies of the HSCA's photos and films when he worked with the Committee. A few researchers believe that Groden kept original photos and films and returned copies to the Committee.

One researcher believes that Groden may have a photograph from the President's autopsy that is not at NARA. The researcher recalled that he had seen an autopsy photograph at Groden's home in 1980 that was not in NARA's official collection. The researcher urged the Review Board to find this "extra" photograph.

The Review Board subpoenaed all original and first-generation assassination films in Groden's possession, and deposed Groden. Under oath, Groden claimed he did not possess any original or first-generation assassination films or images of any kind. With the help of NARA, the Board collected Groden's materials, studied their provenance, and returned them in July 1998. Groden did not turn over to the Review Board any autopsy photographs that are not already part of NARA's official collection.

5. Lt. Everett Kay: Audio Surveillance Tape

Lt. Everett Kay (Ret.), formerly with the Miami Police Department Intelligence Unit, donated to the JFK Collection an audio surveillance tape of a November 9, 1963, meeting between Miami police informant William Somerset and Joseph Milteer, who alleged that President Kennedy would be killed by a rifle shot from an office window.

6. Vincent Palamara: Interviews with Secret Service Personnel

Vincent Palamara conducted extensive interviews with former Secret Service personnel. Palamara donated three audio cassettes of these interviews to the JFK Collection.

7. David Powers: Film of Motorcade

David Powers, a close aide to President Kennedy, was riding in the Secret Service follow-up car directly behind the President's limousine on November 22, 1963. Close by President Kennedy's side, he filmed many of the President's activities that day with his home movie camera. His film ends minutes before the motorcade entered Dealey Plaza. The Kennedy Presidential Library holds the original film, but Powers, now deceased, graciously agreed to make a copy of his film available in the JFK Collection.

8. David Taplin: November 24, 1963, Coverage of Dallas Police Department

Gerald Nathan Taplin Sr. filmed the exterior of the Dallas Police Department building on the morning that the DPD scheduled its transfer of Lee Harvey Oswald to the county jail. On that morning, Jack Ruby shot Oswald inside the DPD building. The Taplin film contains images of the arrival of the armored car that the DPD intended to use as a decoy during the Oswald transfer, footage of other film crews covering the event, and scenes on the street. David Taplin, Gerald Taplin Sr.'s grandson, donated a videotape copy of his grandfather's film to the JFK Collection.

9. Stephen Tyler

In 1992, Stephen Tyler produced "He Must Have Something," a 90-minute television documentary about Jim Garrison's investigation of President Kennedy's assassination. Tyler testified at the Review Board's public hearing in New Orleans, and announced that he would donate to the JFK Collection a copy of his documentary along with the outtakes of approximately 30 interviews that he conducted for the documentary. Among those interviewed are former District Attorney Jim Garrison, New Orleans witness Perry Russo, and Warren Commission critic Mark Lane.

10. Janet Veazey: KTVT Outtakes

In November 1995, the Review Board launched a special initiative in Dallas, appealing to residents to consider donating any film or photographs they may have relating to the assassination. As a result, the Review Board acquired important KTVT outtakes from Janet Veazey.

Veazey had the film because her father's friend, Roy Cooper Jr., was a photographer at KTVT in Dallas. Cooper retrieved the outtakes from the KTVT trash and spliced them together, creating a 45-minute, 16mm silent film. The original film, already in the JFK Collection, contains footage of President Kennedy and Mrs. Kennedy in Dallas, and the aftermath of the assassination. A first generation copy of these outtakes are now also part of the JFK Collection.

11. Moses Weitzman

Moses Weitzman is a special effects film expert who employed Robert Groden as a trainee and junior level staffer in the late 1960s. Weitzman worked for his client, Time-Life, on the original Zapruder film in the late 1960s and was the first to enlarge the 8mm Zapruder footage to 35mm format.

Although Weitzman gave his best Zapruder footage to Time-Life, he retained some imperfect 35mm internegatives (exhibiting track and framing error) he had made directly from the original Zapruder film. Weitzman used these internegatives to demonstrate his technical ability to enlarge 8mm film directly to a 35mm format.

Weitzman made these imperfect internegatives available to Groden during the late 1960s. Most likely Groden used prints made from these internegatives when he publicly screened the Zapruder film in the mid-1970s. Weitzman testified about the historical importance of the Zapruder film at the Review Board's April 1997 public hearing, and he donated a 16mm copy to the JFK Collection. Weitzman informed the Review Board that he no longer possesses any Zapruder film materials.

12. Robert White: Evelyn Lincoln Materials

In January 1997, the Review Board contacted the beneficiaries of Evelyn and Harold Lincoln's wills to determine whether Evelyn, President Kennedy's personal secretary, had accumulated assassination-related items.

One of the beneficiaries, Robert White, who collected Kennedy memorabilia and had been friends with the Lincolns for more than 20 years, apparently had more than 100,000 items in his collection. Many of them were Evelyn Lincoln's, including an entire file cabinet and Kennedy memorabilia such as briefcase, signing table, rocker, and stereo.

After the Review Board sent a letter to White, he contacted an attorney. In a February 1997 letter to the Board, his attorney stated that White "did not receive nor was he is in possession of any assassination-related artifacts and/or memorabilia originating from the Lincolns or from any source."

White agreed to speak with Review Board staff on April 10, 1997. At this meeting, White provided a brief, handwritten list of the items Evelyn Lincoln had left him in her will. White also briefly described his involvement with cataloguing and appraising the items in the two Lincoln estates. White reiterated that his inventory of the estate did not reveal any items related to the assassination, other than the diaries and appointment books that had been bequeathed to the Kennedy Library.

After meeting with White, the Review Board continued to receive information that White possessed assassination-related items and later learned that White planned to auction items from his collection at Guernsey's auction house in New York City on March 18 and 19, 1998. The Board, with the help of the Department of Justice, subpoenaed White, requiring him to produce all objects and records relating to the Kennedy assassination, and all records pertaining to the Kennedy and Johnson administrations on Cuba, the FBI, the CIA, organized crime, and other topics. The subpoena also sought inventories of White's collection and a list of items that White had received as a beneficiary of the Lincolns' wills.

The Review Board staff deposed White in March 1998. During the deposition, White described his friendship with Evelyn Lincoln and discussed the various Kennedy-related objects that she had given him. In certain cases, White relayed Lincoln's comments or documentation about the provenance of various objects. Among the records that White produced were Texas trip advance sheets, a Secret Service White House Detail photograph book, memoranda authored by President Kennedy, and 23 White House Dictabelt tapes. The Board found that four of the memoranda written by President Kennedy contained classified, national security information, and forwarded them to the Information Security Oversight Office.

On the last day of his deposition, White told the Review Board that he had just donated the Dictabelts to the Kennedy Presidential Library. The Dictabelts contain telephone conversations, dictations and discussions between President Kennedy and other individuals. Specific topics on the Dictabelts include President Kennedy's dictation during the week of November 4, 1963, discussions of the Berlin Crisis, conversations regarding the Cuban Missile Crisis, and thoughts dictated by President Kennedy on November 12, 1963.

C. Pursuit of State and Local Government Records

An assassination record...includes, without limitation: All records collected by or segregated by all federal, state and local government agencies in conjunction with any investigation or analysis of or inquiry into the assassination of President Kennedy...1

1. New Orleans District Attorney Files

Harry F. Connick, Sr., District Attorney of New Orleans, testified at the Review Board's New Orleans public hearing in June 1995. Connick stated that he was in possession of former District Attorney Garrison's investigative files. He said he intended to donate the files to the JFK Collection.

Several days later, a package from New Orleans arrived in the Review Board's offices. It contained what appeared to be original transcripts from the grand jury Garrison convened for his investigation of Clay Shaw.

The man who mailed the records, a former Connick investigator, said that Connick had given them to him to

throw out when Connick was cleaning out the District Attorney's office. Instead, the investigator took the materials home and stored them in his basement. When he heard about the Review Board's effort, he said he felt compelled to send the transcripts to the Board.

Connick responded by demanding that the Board return the records to the District Attorney's office. He said the records were the property of the state of Louisiana and were subject to the seal of the Louisiana state courts. Connick further warned that unless the Review Board returned the grand jury records, he would not donate the Garrison investigative records.

The Review Board refused. Since the records were in the possession of a government office, namely the Review Board, the Board believed it was compelled by the JFK Act to review, organize, and process them for inclusion in the JFK Collection.

A flurry of subpoenas followed. Connick subpoenaed the Review Board for the return of grand jury records; the Review Board subpoenaed Connick for the investigative records. With the Department of Justice's help, the Review Board successfully argued that Louisiana could not subpoena a federal agency for the records. Connick, however, was unable to fend off the Review Board's subpoena for the Garrison files. Connick sued unsuccessfully. Both the investigative records and the grand jury transcripts are now in the JFK Collection.

2. Dallas City and County Records

On November 22, 1963, immediately after President Kennedy was shot, David Burros, a Dallas motorcycle policeman, found a piece of bone on Elm Street in Dealey Plaza. The policeman gave the bone fragment to Deputy Constable Seymour Weitzman, who presumably gave it to the Secret Service. The Secret Service then sent the fragment to the White House physician, then Rear Admiral George Burkley. The Secret Service placed medical materials from the autopsy in the safe of Robert Bouck, the Chief of the Secret Service's Protective Research Section. However, the April 26, 1965, inventory of Bouck's safe did not list this bone fragment (or any others in Burkley's possession in November 1963) as part of its contents.

The Review Board staff wrote to the Dallas County records management officer and the Dallas city archivist to find out if they had any photographs x-rays, or other records in their files regarding this bone fragment. Neither archive had any record of it.

D. Pursuit of Records from Foreign Governments

Assassination records and additional records and information may be located at, or under the control of...Foreign governments.²

In an effort to compile a more complete record of the assassination, the Review Board focused considerable attention on an effort to obtain copies of records contained in the files of foreign governments. The JFK Act states that it is the "sense of Congress" that the Department of State should take steps to obtain such records which have been the object of much interest since the assassination. In particular, the Board focused much of its efforts on the KGB records thought to be maintained both in Russia and in Belarus, and on Cuban and Mexican government records. Congress anticipated, and indeed specifically provided in the JFK Act, that the Department of State "should contact" the Russian government and "seek the disclosure of all records of the former Soviet Union" relating to the assassination.³ Furthermore, the Department of State was required to "cooperate in full with the Review Board" in seeking disclosure of relevant records.⁴ While the Department of State occasionally helped facilitate contacts with foreign counterparts and individual State Department employees provided helpful assistance and advice, overall the Department of State was more of a hindrance than a help to the Review Board. The Board certainly expected much more help than it received from a Department that obviously did not consider pursuit of foreign records about the Kennedy assassination to be a priority. Letters of request to the Department from the Board went unanswered for long periods of time, cables that contained communications from foreign sources or from United States Embassy personnel to the Board sat for months on the desks of State Department employees without being transmitted to the Board, and important opportunities were missed because the Department did not believe the issue was important enough to raise. The Review Board has identified significant records, but does not believe that these collections will be obtained in full until the Department of State determines that such an effort is an important priority.

1. Russia

The Review Board believes that the records of the former KGB exist in Moscow that (1) reflect surveillance of Lee Harvey Oswald and Marina Oswald during 1959-1962, and that (2) reflect the Soviet investigation into the circumstances of the Kennedy assassination. The United States Embassy made requests for these records and a Review Board delegation later visited Moscow and met with representatives of three different archives where it was believed that records existed. The Board received a number of individual records which have been released in the JFK Collection but was unsuccessful in obtaining permission to review or copy the larger sets of files which exist in Moscow. The Board received a significant boost to its efforts when Vice President Gore asked Russian Prime Minister Chernomyrdin in March 1998 to release the files. Unfortunately, the National Security Council declined to raise the request in September 1998 during the Clinton-Yeltsin summit meeting. Additional approaches to the Russians continue, but the Review Board strongly recommends that the United States government in general, and the State Department in particular, continue to pursue the release of these important KGB records.

2. Belarus

With the assistance of the United States Embassy in Minsk, Chairman Tunheim, Board Member Hall and Executive Director Marwell in November 1996 reviewed the extensive KGB surveillance file kept in Minsk by the Belarusian KGB. The file details over two years of extensive surveillance and analysis by the KGB of Lee Harvey Oswald during the time that he resided in the Belarusian capital. Some of these records were utilized by Norman Mailer in his book *Oswald's Tale*. The Board was unable to obtain a copy of the file, in part due to the deteriorating relationship between the United States and Belarus in 1997-98. Mailer's collaborator in *Oswald's Tale*, Lawrence Schiller, agreed, in response to the Board's request, to donate copies of documents from the Minsk files, but the records will not be released in the JFK Collection until a later date. Additional efforts are still underway to obtain the files which are unquestionably of strong historical interest. Again, the Board strongly recommends that all possible efforts be made to obtain for the American people this important record of the activities of accused assassin Lee Harvey Oswald during the years prior to the assassination.

3. Cuba

The Review Board initiated a dialogue with Cubans stationed in the Cuban Interest Section in the Swiss Embassy to try to find out if the Castro government has any records relevant to the assassination. The Chief of the Cuban Interest Section, who agreed that the release of Cuban records would be beneficial to Cuba and the United States, launched an effort to locate records. However, he noted that record keeping in Cuba was spotty in the years immediately following Castro's rise to power, but agreed to work with the Board in an effort to promote a better understanding of these issues. The Review Board appreciated the excellent cooperation it received from Cuban officials.

The Review Board continued to actively work with officials in the Cuban Interest Section to determine what, if any, information exists in Cuba relating to the assassination.

4. Mexico

Since the Mexican government conducted an investigation into the activities in Mexico City of Lee Harvey Oswald, and the Direccion Federal de Seguridad (DFS), the Mexican federal security service, conducted interrogations of Silvia Duran, who met with Oswald in Mexico City, the Review Board sought Mexico's cooperation in its search for additional records. At the behest of the Review Board, the Department of State requested the Mexican government to search its files for possible records relevant to the assassination. To date, the only records the Mexican government has made available to the JFK Collection were copies of the same diplomatic correspondence between the Mexican Foreign Ministry and the Department of State that it submitted to the Warren Commission. Copies of these communications already were in the JFK Collection.

5. Other Governments

The Review Board also requested records that were relevant to the assassination from other foreign governments. The Board received records from the archives of Great Britain and Canada. These records are now available in the JFK Collection.

E. Conclusion

The JFK Act paved the way for a single government entity, for the first time, to be able to search for, identify, and assemble donations from citizens and local governments, and then place them in a central location, open to the public.

Although not all of the Board's efforts were successful, the Review Board hopes that the fact that it strenuously upheld its mandate to search for, obtain, and disclose assassination-related material in an open and documented fashion will help restore trust in the government's desire and ability to be responsive to citizens' concerns.

Public hearings held in several cities by the Review Board, independent researcher "expert's conferences," and working luncheons held with Review Board staff and Board members, were instrumental in providing leads that proved most useful to the search for records.

The Review Board is grateful for the contributions made by citizens who participated in these meetings, made important research suggestions to the Review Board, and donated assassination records so that all citizens can enjoy access to these important materials.

Chapter 7

Endnotes

1 44 C.F.R. sect. 1400.1.

2 44 C.F.R. sect. 1400.3(i).

3 President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. sect. 2107, section 10(b)(2) (Supp. V 1994).

4 JFK Act, sect. 10(b)(3).

