

To Bud Fensterwald from Harold Weisberg re
JFK autopsy records

3/23/88

Tom Kelley's 2/13/68 memo to files is new to me, at least in this form. My recollection of some of this is not now dependable, particularly the dates. You may remember that I then had no counsel and was trying to get some of that stuff on my own and in fact did get the Memorandum of Transfer, but you held a press conference at the University Club for Cyril and to pretend that it was available because of your committee's and his work. Cyril, unfortunately, focused on the missing brain hemisphere and that diverted everyone away from the rest. I was pre-empted and wasn't able to do anything. Except that I did use it and much of the content of what you just sent in Post Mortem.

Remember I had to be my own lawyer in my efforts to get access to the film of the clothing? While I made a mess of it I did learn and get to see much that was important. And, oddly, that is some of what wasn't stolen by others even after I published it.

In this period I'd negotiated successfully with the Secret Service for them to disclose records in return for my promise not to file a FOIA case against them. One of the memos you sent is part of what I finally got, as I'm sure Jim may recall and be able to locate, is part of the archives and DJ aborting this arrangement. One means was to transfer out of Secret Service possession what it was going to let me have. The memo I refer to is from Kelley to Rhoads.

All the things you sent are remarkable for their vagueness and ~~v~~vasiveness and incompleteness. On the Fox memos, for example, I got more information in the form of a letter or letters to me. This does not give a single number for the film or the prints. I got both for each kind. So, these are cover-the-ass records.

Some of the indefiniteness is deliberate and can't be excused. For example, in the 2/13/69 Kelley memo, page 1, graf 3, "at some unspecified date" that stuff was found in an Archives bin. There are receipts that establish the date and, easier with Marion Johnson not present, they are ignored. They deliberately created a paper chain

to make it appear that what the government did that was wrong was done by the Kennedys. In this regard, there is no mention of the fact that Evelyn Lincoln's work at the Archives was for the Archives, not the family. She was there in connection with the Kennedy Library, which is Archives.

The Kennedy gift, which follows on this page, was actually a contrivance of the Department of Justice and Burke Marshall wasn't even in on it until time came for signatures. Until the final copy, and I have several earlier versions, his name did not appear and there was a blank for a name.

The stuff about writers like me and Lane began with Marion Johnson from the records on me I got from the Archives, with some withheld still. I don't recall that Lane was in his memo, it may have been, but Johnson was worried about where so clearly I was heading. Jim may have copies of those records, I don't now recall.

Where they refer to what was not in the possession of the archives, I think they mean in SW3, not in any adjunct, like the Kennedy Library or on deposit elsewhere for it.

I don't recall any earlier controversy about the original or the original autopsy protocol and I am inclined to believe that a xerox of the first, ribbon copy, was sent to the Commission.

This all refers to Burkley turning the stuff over. It was not Burkley personally. The stuff was sent to him, receipts were in his name, but he did not have possession. The Secret Service did. There came a time, toward the last part of 1966, when at least some was in the possession of or under the control of David Acheson, the an assistant Treasury secretary. He had at least the x-rays in a file cabinet in his office and offered to show them to Dick Whalen. Dick delayed and by the time he returned they'd been moved and Acheson no longer had them.

Maybe Kelley is right in suggesting that the reason Hoads did not want to get in touch with Evelyn Lincoln is because they'd had some difficulty, but it is also possible that Hoads did not want to blow the Archives misuse of the Kennedy family as

a cover for what it and other agencies had done and were doing.

With regard to the transfer of this stuff to R.K.'s secretary, again I know of no reason to believe that she had it in her office. She may technically have had custody but not possession. I know, for example, that the FBI had the clothing, although there is no written record of this. If the clothing and this other stuff was together, then Marion Johnson knows very well when the archives got it and how because he told me himself, when he was very embarrassed, that he had supervised the physical transfer that included a foot locker from the FBI to the Archives. This was in connection with their inability to comply with Judge Gesell's order, that they photograph the knot of the tie for me. The tie, when they went to make the picture, was unknotted. (It was knotted again for HSCA, magic being what it is.)

The FBI had undone the knot earlier, to take the picture it ^(mis) used in its Exhibit 60 in CD 1. I use this in Post Mortem. It then put the knot back together again for use by the Commission, and it was an intact knot when used in Commission testimony. They, ~~magid~~ of magic, it was unknotted when the Archives went to comply with Gesell's order. I go into the purpose served in Post Mortem.

What this stuff really means is that those agencies which had reason to cover things up, and did in their investigation, continue their covering up in their cover-the-ass records, including by trying ~~to~~ to make it look like the Kennedy family was hiding what was hidden. And there are those, including some who did not like the Kennedys, who took it, hook, line and sinker.

Whatever may have happened to the missing hemisphere of the brain, I doubt it held any significant evidence because the X-rays, which Cyril and others examined, do not reflect the presence of any lead or metal or if I remember correctly, any trail left by any missile.

If Jim does not have copies of what I got from MARS, mentioned above, you are welcome to copies if you want them, only I can't search for and make the copies.

I wish it had been possible to pursue my quest for these materials then because there is more and what I got is provocative enough, Thanks. If we have further discussion, this will be under Autopsy in my subject files.

DSL Routing | item 1
1 → JFKm II-4-3 (BRAIN)
1 → PLH (w/cova lr)
ORIG: CORR/FOIA/SS

February 13, 1969

MEMORANDUM FOR FILE - CO-2-34030

At 2:30 p.m., February 12, 1969, at the request of Mr. Harry R. Van Cleve, Jr., General Counsel, General Services Administration, the following persons met in the Director's Conference Room at 1800 G Street, N.W.: Assistant Director Kelley, Assistant Director Peterson, Legal Counsel Robert Goff, Special Agent in Charge John E. Parker, Harry Van Cleve, GSA, James B. Rhoads, Archivist of the United States, Dudley Chapman, Office of the Legal Counsel, Department of Justice, and Byron E. Harding, Associate General Counsel, GSA.

Mr. Van Cleve outlined the problem he wished to discuss, stating that some weeks ago, at the request of the Attorney General of the United States, a panel of physicians reviewed the autopsy slides made by the physicians at the Naval Hospital relative to the assassination of the late President Kennedy. In their report, which was made a matter of public record, they mentioned that the material they examined was furnished to them by the Archivist of the United States, and was included on an inventory list which accompanied the letter from Dr. George C. Burkley to Mrs. Lincoln, dated April 26, 1965. Mr. Van Cleve stated that this was a gratuitous statement made by the doctors and it would have been so much better if they had merely indicated what material they had examined.

Mr. Van Cleve then went on to explain that at some unspecified date there was placed in a bin at the Archives a quantity of material in sealed cardboard boxes and a locked foot locker. This material was received from the Kennedy offices, presumably from Mrs. Lincoln.

Subsequently, in October, 1966, the family of the late President Kennedy made a gift to the United States of certain specified articles which were further described in the letter to Lawson B. Knott, Jr., Administrator of General Services, from Burke Marshall on behalf of the Executor of the Estate of John F. Kennedy, dated October 29, 1966. The articles to be given to the Archivist were in the sealed boxes and the foot locker mentioned above, and when the Archivist took possession of and opened these containers a careful inventory of the contents was made. A key to the foot locker was produced by Angela M. Novello, Secretary to Senator Robert F. Kennedy. When the foot locker was opened, it was found to contain articles No. 1 through 8 listed on the inventory prepared by Dr. Burkley on April 26, 1965.

A careful search was made in the Archives to ascertain what happened to the articles described in Item No. 9 of Dr. Burkley's inventory and they cannot be found in the Archives.

DSL FOIA; 2/15/79 item 1

Mr. Van Cleve is concerned that writers like Weisberg or Mark Lane, when they learned that such an inventory existed, would demand to see the inventory and items covered by it. He indicated that he saw no legal reason how the existence of this inventory could be kept from writers of this kind, and that when they learned of the inventory and then learned that some of the items on the inventory were not in the possession of the Archives, that this would lead to all sorts of speculation and accusation that the government was not being perfectly frank and open in handling this matter, and that it was further proof of the various conspiracies which these writers are alleging surround the assassination of President Kennedy. It is our opinion also that this is a distinct possibility.

There was a discussion concerning the reference in the inventory of the complete autopsy protocol of President Kennedy (original and 7 cc's) and the fact that we forwarded to the Archivist the original autopsy protocol on October 3, 1967 (Commission Exhibit No. 387). This could raise the question about two original autopsy protocols. We, of course, were unable to resolve this discrepancy since we do not have access to the paper referred to in Dr. Burkley's inventory. We can speculate that what was described as the original autopsy protocol in the inventory might have been another ribbon copy of the original protocol or that it was merely mislabeled, but it does give an opportunity for writers to discuss the discrepancy.

I suggested that a source of information concerning the missing material would be Mrs. Lincoln since our file was well documented and that all of this material was turned over to Dr. Burkley and receipts obtained, and Dr. Burkley turned all of the material over to Mrs. Lincoln and obtained a receipt. Mr. Rhoads appeared to be reluctant to contact Mrs. Lincoln and we got the impression that they had had some difficulties with Mrs. Lincoln in the past.

I then suggested that Mr. Van Cleve talk to Dr. Burkley. I indicated that it would be surprising to me if the Kennedy family made any disposition of the material in question without consulting Dr. Burkley. Mr. Van Cleve agreed that Dr. Burkley should be contacted but asked me to contact him since neither he nor Dr. Rhoads knew Dr. Burkley and Dr. Burkley did not know them. He was concerned that Dr. Burkley might be reluctant to discuss this matter with someone whom he did not know. I agreed to contact Dr. Burkley.

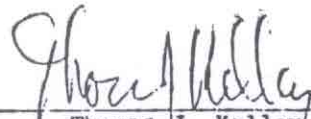
At 9:00 a.m., February 13, I talked to Dr. Burkley at his home at 3507 Preston Court, Chevy Chase, Maryland. Dr. Burkley advised me that after turning all of this material over to Mrs. Lincoln he

DSL FOIA SS 8-15-79

never saw nor heard anything about its disposition, and that he was surprised to hear that it was not with the remainder of the material he turned over to Mrs. Lincoln. After discussing the problem, Dr. Burkley offered to call Mrs. Lincoln. He did this in my presence and Mrs. Lincoln told him that all of the material he turned over to her was placed in a trunk or foot locker; that it was locked, and that to her knowledge it was never opened nor the contents disturbed by her. She said, however, that sometime after its receipt all of the material concerning the assassination, with which she was working, was turned over to Angie Novello, Robert Kennedy's Secretary. (Angela Novello is said to be a secretary to Mr. Angier Biddle Duke, Ambassador to Denmark).

Dr. Burkley said that Henry Giordano, former White House driver who is known to us, was also an employee of the Kennedy family at that time and was working with Mrs. Lincoln. Giordano is now a Doorkeeper at the U. S. Senate. He is under Senator Pastore's patronage, but actually works for Senator Kennedy's office. It is my opinion that Giordano should not be talked to concerning this matter.

On February 13, I called Harry Van Cleve and advised him of the results of the conversation with Dr. Burkley, and further advised him that, in my opinion, we should not contact Giordano. He agreed with this and stated he felt that the inquiry would have to remain as it now stands; that perhaps we were borrowing trouble in exploring it any further, and assured me that the Archivist had made a thorough search of all of the material on hand to make sure that the material in question had not been received by the Archivist at another time or under other circumstances.



Thomas J. Kelley
Assistant Director (PI)

TJK/hes

DSL FOIA SS 8-15-79

December 14, 1970

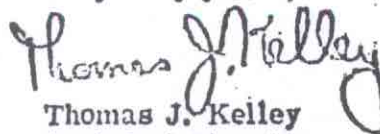
Mr. James B. Rhoads
Archivist of the United States
National Archives & Records Service
Washington, D. C. 20408

Dear Mr. Rhoads:

We are accepting the alternative set forth in the letter of the General Counsel of the General Services Administration to me on December 10, 1970, relating to the "Memorandum of Transfer to the Archives" dated April 28, 1965.

The copy of this memorandum of transfer which contains the original signature of Evelyn Lincoln and the signature of George G. Burkley, physician to the President, and witnessed by Robert I. Bouck, Chester J. Miller, and Edith E. Duncan, is herewith transferred to the National Archives and Records Service. The memorandum of transfer consists of two pages. The first page contains the initials of Dr. Burkley, Robert I. Bouck, Chester J. Miller and Evelyn Lincoln.

Very truly yours,



Thomas J. Kelley
Assistant Director

cc: Mr. Hart T. Mankin
General Counsel, GSA

Attachment

DSL FOIA;
SS; 8-15-79
#2

12-14-70

The original of this xerox copy was sent to Archives on this date with our letter dated 12-14-70.

TJK

PRESUMABLY REFERS
TO 4/26/65 MEMO OF
TRANSFER (WHICH IS
NOT ATTACHED)

DSL FOIA, SS; 8-15-79
item 2 p 2

60-2-34038

DSL Routing

Items 2, 3, 4, 5
1 → JFKM-VI [X-12, PL]
1 → PLH
ORIG → Corr/FOIA/SJ

February 23, 1967

Mr. Barefoot Sanders
Assistant Attorney General
Civil Division
Department of Justice
Washington, D. C.

Dear Mr. Sanders:

There is forwarded herewith the statement requested from the Secret Service concerning the custody of the photographs of the autopsy performed on the late President Kennedy.

Very truly yours,

James J. Rowley

TJK/hes

DSL FOIA SS 8-15-79
tom 3

STATEMENT

The undersigned have been requested to furnish a statement as to the custody of the x-rays and films taken during the autopsy on the body of the late President John F. Kennedy on the night of November 22, 1963.

Assistant Special Agent in Charge Roy H. Kellerman of the Secret Service was present during the autopsy, and upon its conclusion received from Captain J. H. Stover, Jr., Commanding Officer, United States Naval Medical School, the total amount of photographic film exposed.

At the same time, Commander John H. Ebersole, United States Navy, Acting Chief of Radiology, U. S. Naval Hospital, National Naval Medical Center, Bethesda, Maryland, delivered to Kellerman all the x-ray film which had been exposed.

From the night of November 22, 1963 until April 26, 1965, these x-ray and photographic films were in the custody and possession of the United States Secret Service at all times, which custody and possession was maintained as follows:

(1) During the early morning hours of November 23, 1963, Kellerman delivered the films to Robert I. Bouck, U. S. Secret Service, at the Executive Offices Building, Washington, D. C.

(2) On or about November 27, Bouck handed the photographic film to James K. Fox, U. S. Secret Service, and instructed Fox to take the photographic film to the U. S. Navy Photographic Laboratory.

(3) Fox took the photographic film to the U. S. Navy Photographic Laboratory on or about November 27, 1963. The black and white film was processed, black and white negatives were developed, and color positives were made from the colored film. The processing and development was done by Lt. V. Madonia, U. S. Navy, at the laboratory. During the processing and development, Fox remained with the photographic film at the laboratory and at the conclusion of the processing and development, all the photographic film which Fox had received from Bouck was returned by Fox to Bouck on or about November 27, 1963 at about 2:00 p.m.

(4) Bouck and Edith Duncan, Administrative Assistant, U. S. Secret Service, placed the processed photographic film and the x-ray film in a combination lock-safe-file in the Protective Research Section of the Secret Service at the Executive Offices Building, Washington, D. C., the combination of the safe being known to only two persons, Bouck and Duncan.

(5) A few days later, black and white prints were made by Fox in the Secret Service photographic laboratory. On or about December 9, 1963, at the direction of Mr. Bouck, Fox took

the colored positives back to the U. S. Navy Photographic Laboratory and observed while enlarged color prints were made. All the color positives and prints were delivered to Bouck by Fox about 6:00 p.m. that same evening, at which time they were returned to the locked safe.

(6) On or about April 26, 1965, the Secret Service received from Vice Admiral George G. Burkley, physician to the President, a letter from Senator Robert F. Kennedy, dated April 22, 1965, to Admiral Burkley, which letter requested Admiral Burkley to release the material in the custody of the Secret Service and deliver it to Mrs. Evelyn Lincoln at the National Archives.

(7) On April 26, 1965, Admiral Burkley, Bouck and other Secret Service personnel inventoried the material in the possession of the Secret Service, including the x-ray and photographic items mentioned hereinabove, and thereafter delivered all of said material, with a copy of the inventory, to Mrs. Lincoln at the National Archives at 8th and Pennsylvania Avenue, N. W., Washington, D. C. The transfer to Mrs. Lincoln was set forth in a letter, dated April 26, 1965, from Admiral Burkley to Mrs. Lincoln, witnessed by Bouck, Duncan and Chester Miller of the Secret Service.

All of the x-ray and photographic films received by Mr. Kellerman on the night of November 22, 1963, and all the prints

made from the photographic film were transferred to Mrs. Lincoln on April 26, 1965.

2-17-67
(Date)

Ray H. Kellerman
Ray H. Kellerman

2-20-67
(Date)

Robert I. Bouck
Robert I. Bouck

2-21-67
(Date)

Edith R. Duncan
Edith R. Duncan

2-23-67
(Date)

James K. Fox
James K. Fox

2-17-67
(Date)

Thomas J. Kelley
Thomas J. Kelley

UNITED STATES GOVERNMENT

Memorandum

CO-2-34,030

U. S. SECRET SERVICE

TO : Assistant Director Kelley - Investigations DATE: February 16, 1967

FROM : SAIC Towns - Intelligence Division

SUBJECT: Statement of Photographer James Fox

gjk

Enclosed are the original and one copy of a statement by Photographer James Fox concerning the handling and processing of photographic negatives and positives made during the autopsy of President John F. Kennedy.

Ronald C. Towns
Ronald C. Towns
Special Agent in Charge



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

DSL FOIA; SS; 8-15-79
item 5

February 16, 1967

MEMORANDUM

I have been asked to furnish certain information concerning my participation in the handling and processing of photographic negatives and positives made during the autopsy of President John F. Kennedy.

At this time, I have no way of positively determining the dates and times I handled the negatives and positives. To the best of my recollection, the following information is correct:

On November 27th, 1963, I was instructed by my supervisor, SAIC Robert I. Bouck, Protective Research Section, to make arrangements with the Naval Processing Center located at Anacostia to have processed both black and white negatives and color positives made during the autopsy of President John F. Kennedy at the Bethesda Naval Hospital. On the same date I proceeded to the Naval Processing Center, Anacostia, accompanied by Chief Robert L. Knudsen, Mrs. Kennedy's personal photographer. Negatives and positives were processed the same day and returned to SAIC Bouck, November 27, 1963.

On December 9th, 1963, I was instructed by SAIC Bouck, to have 8" x 10" color prints made from the color positives and I again proceeded to the Naval Processing Center with Chief Robert L. Knudsen where several photographs were made under my personal supervision. I returned them to SAIC Bouck at approximately 5:45 p.m., December 9, 1963.

James R. Fox

James Fox
Photographer
Intelligence Division

DSL FOIA; SS; 8-15-79
item 5