



Burke Marshall
Professor at Yale

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Professor pleased

By Robert Miller
THE NEWS-TIMES

For more than 25 years, Burke Marshall has been the keeper of the keys to some of the most controversial pictures of the world — the autopsy photos taken of the late President John F. Kennedy.

Now, thanks to the U.S. Court of Appeals for Washington, D.C., Marshall will keep his job. The court ruled Tuesday that the photos — stored in the National Archives — will remain the personal property of the Kennedy family and stay out of public circulation.

"I think they're absolutely right," Marshall said of the appeals court.

"The autopsy photos were always intended to be private."

Marshall, 73, a Newtown resident, is a professor of law at Yale University. He became a friend of the Kennedy family in 1963 when he served as Assistant U.S. Attorney General for civil rights with two Kennedys as his bosses — John Kennedy, the president, and Robert Kennedy, then attorney general.

John Kennedy's family donated the autopsy photos and X-rays of the slain leader to the National Archives. But the family has retained control over them, treating them as personal presidential papers; they asked Marshall to represent their

with ruling on Kennedy photos

interests in controlling who can see the photos.

In his 25 years, Marshall said he's allowed about 25 people to study the photos; they must write to him and the National Archives asking for permission.

Marshall said it does not matter whether or not the investigators agree or disagree with the findings of the Warren Commission, which concluded that Lee Harvey Oswald acted alone when he shot Kennedy to death in Dallas. There is one qualification they must all have — they must be forensic pathologists who have the scientific training to understand what the photos mean.

But an author — D. Mark Katz — challenged this arrangement, claiming that the photos are public government records that are open to public view under the Freedom of Information Act. Katz planned to publish a photo analysis of the Kennedy assassination using the autopsy pictures.

The Public Citizen Litigation Group — the legal arm of the consumer advocacy group founded by Ralph Nader — argued the case on behalf of Katz. Lucinda Sikes, a lawyer with the group, said Public Citizen believes the photos are public records.

"Today, as a private citizen, you

can't see them," Sikes said.

The group took the case, in part, because it believes that the arrangement between the National Archives and the Kennedy family sets a dangerous precedent. There is nothing to stop members of other presidential families from "asserting control over government records," she said, using the same arguments at the Kennedys.

But for Marshall, the nature of the photos requires that someone supervise access to them.

"The nature of the photos is very gruesome," he said. "You wouldn't want them released."