

Review of autopsy material by medical panel

- 5 Jan 68 - National Archives releases text of agreement, dated 29 Oct 66, under which the Kennedy family transfers to the Administrator of General Services "all of their right, title, and interest" in JFK autopsy photos and x-rays. No reason is given (in only story in file, NYTimes 6 Jan) for publication at this time of details of the agreement.
- AP says (17 Jan 69) that Dr. J. Thornton Boswell wrote Ramsey Clark "a year ago" suggesting that because of the controversy over the Warren Report a study should be made of the "available" autopsy material by an impartial board of experts including pathologists and radiologists, and that Clark appointed such a panel a short time later. However, if the purpose of this review was to counter criticism of the Warren Report, no use was made of it until 16 Jan 69.
- 15 Jan - Trial date for Shaw, 13 Feb 68, set for the first time.
- 26 Feb - Panel of medical experts meets in secret to review autopsy material, 26, 27 Feb, Washington. Stories in file do not give date the panel was appointed. Existence of panel is not known publicly until its report is released by Clark 16 Jan 69.
- 8 May - Second trial date for Shaw set for 11 Jun 68.
- 9 May - Garrison issues subpoena ordering U.S. Archivist to deliver by 24 May the autopsy photos and x-rays.
- 16 Jan 69 - Five days before Shaw trial opens, and on the evening before a court hearing in Washington to determine whether the autopsy material should be sent to New Orleans in compliance with Garrison's subpoena, Clark releases the panel report.
- 17 Jan - Judge Charles W. Halleck rejects subpoena, saying that release of panel report opens to serious question Garrison's contention that JFK was shot from the front. Adds that if during Shaw trial evidence is produced to support this contention, transcripts of such testimony might persuade him to grant the subpoena.

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16 Jan 69\*- Clark says Mrs. Onassis and Edward Kennedy were consulted before the autopsy material was shown to the panel.

AP, Washington, 17 Jan: "Burke Marshall, former assistant attorney general who represents the Kennedys, said .. Clark told him last year about the panel report, but he saw no reason then 'to concern members of the Kennedy family, and did not do so.' Since then, he added, he had informed Mrs. Onassis and Sen. Edward Kennedy... He said Mrs. Onassis and Sen. Kennedy .. 'both asked me to say that they will have no comment to make on the report or its release.'"

This item on Marshall is very unsatisfactory. The language used raises several questions:

□ Clark told him last year ..  
No date given.

□ about the panel report ..

This suggests Marshall was not told until after the review had been completed and the report written. P. 7

Under the agreement between the Kennedy family and the Archives (see 5 Jan 68, above), access to the autopsy material by pathologists and other medical experts would not be permitted for five years from the date of

the agreement, and after that time only with the consent of the designated Kennedy family representative, in this case Marshall. The agreement specifies that "in connection with the .. application of this agreement in a particular case," the Administrator [of General Services] "shall .. rely upon .. the statements in writing [of the designated Kennedy family representative]." The five-year limitation, which expires 29 Oct 71, is still in effect. There is no indication that Marshall was asked for, or gave, his consent.

NYTimes 3 Nov 66 (14 months before text of agreement was made public), reporting on telephone interview of Marshall at the time the Kennedy family transferred to the Government its title to the autopsy material, quotes him as saying (in its paraphrase) that during the first five years the only persons who may see the material without his consent are Federal investigative agents. This would seem to rule out the doctors conducting the autopsy review. However, it is possible they could be included, since the text in this section of the agreement - dealing with those who may see the material without authorization of the Kennedy representative, and without time limitation - says that access to the material "shall be permitted to .. any person authorized to act for [an] official agency of the United States Government .. for purposes within the investigative jurisdiction of such .. agency."

Clark says Mrs. Onassis and Edward Kennedy were consulted before the panel was shown the material. If this is true, the phrase "Clark told him last year about the panel report" may mean only that Marshall was informed when the report was completed, and not necessarily that he was not informed that such a panel was to review the autopsy.

□ but he saw no reason then 'to concern members of the Kennedy family, and did not do so.'

Since Marshall represented the family, it seems strange, if he was asked for his consent before the study was begun, that he did not get their approval; or, if he was told of it only after the review was completed, that he did not inform them immediately.

□ Since then .. he had informed Mrs. Onassis and Sen. Edward Kennedy...  
No date given.

Clark names Mrs. Onassis and Edward Kennedy as those consulted before the autopsy material was shown to the panel. Yet Robert Kennedy, the titular head of the family, was not murdered until 5 Jun 68, after the panel had completed its review and written its report. (Their report carries different dates of signature, from 28 Mar to 9 Apr.)

It seems worth noting that neither Clark nor Marshall mentions the name of Robert Kennedy. If this omission is not an identical oversight by both of these experienced lawyers, it would seem that the Kennedy family and Marshall may have known nothing of the panel before 5 Jun 68.