

## SECTION III. CHAIN OF CUSTODY OF THE MATERIALS ACQUIRED DURING THE AUTOPSY

### PART I. INTRODUCTION

(98) Several of the physical materials—microscopic tissue slides, tissue sections of organs, bone fragments, and the brain—that the autopsy pathologists had acquired during the autopsy and retained for future examination, are unaccounted for today. The committee decided a thorough investigation into the medical evidence of the assassination required a diligent effort to locate and obtain these “missing” materials. Consequently, the committee traced the chain of custody of all materials (the “missing” physical items plus other material) derived from the autopsy, contacted all persons directly or indirectly associated with such custody, and investigated other possible theories regarding their fate.

(99) Despite these efforts, the committee was unable to determine precisely what happened to the materials. Circumstantial evidence indicates however, that it is possible that Robert F. Kennedy either destroyed or otherwise rendered them inaccessible.

### PART II. CHAIN OF CUSTODY OF THE AUTOPSY MATERIALS

(100) The disposition of the autopsy photographs, X-rays, and physical materials immediately following the autopsy was as follows:

#### *1. Photographs and X-rays*

(101) At the conclusion of the autopsy on the evening of November 22, 1963, Capt. John H. Stover, Jr., the commanding officer of the U.S. Naval Medical School, gave Secret Service Agent Roy H. Kellerman all the photographic film that the medical photographers had exposed during the autopsy. (1) Additionally, Comdr. John H. Ebersole, the acting chief of radiology, gave Kellerman all of the X-ray film. (2) In the early morning hours of November 23, Kellerman delivered this material to Robert I. Bouck, Special Agent in Charge of the Protective Research Division, U.S. Secret Service, which is located at the Executive Office Building, Washington, D.C. (the White House). (3)

(102) On or about November 27, Bouck instructed James K. Fox of the Secret Service to make arrangements with the Naval Processing Center located in Anacostia, Md. to process both the black and white and the color film. (4) Fox, along with Robert L. Knudsen, Mrs. Kennedy's personal photographer, proceeded to Anacostia that same day. (5) At the Naval Center, Lt. V. Madonna of the U.S. Navy processed both black and white negatives and color positives. (6) Fox returned the materials to Bouck the same day. (7) A few days later, under more instructions from Bouck, Fox made black and white prints from the negatives in the Secret Service laboratory, located at the Protective Research Division, Executive Office Building. (8)

(103) On December 9, Bouck directed Fox to take the color positive back to the Navy photographic laboratory and supervise the processing of enlarged color prints. (9) Fox returned all the color prints and positives to Bouck that evening. (10)

(104) Bouck and Edith Duncan, his administrative assistant, kept the photographic film and the X-ray films in a combination lock-safe file in the Protective Research Division of the Secret Service in the Executive Office Building, Washington, D.C. (11) The combination to the safe was known only to Bouck and Duncan. (12) From the early morning of November 23 until the transfer of the materials from the Executive Office Building in April 1965, the Secret Service maintained custody of the X-ray and photographic films. (13)

*2. Physical specimens retained during the autopsy or discovered at the scene of the assassination*

(105) On the day after the assassination, at about 5:30 p.m., William Allen Harper, a student at Texas Christian University, was taking photographs of the Dealey Plaza area. (14) when he discovered a piece of bone near the scene of the assassination. Harper informed the FBI that he took the bone to his uncle, Dr. Jack C. Harper, and that they both then went to Dr. A. B. Cairns, chief of pathology at Methodist Hospital, Dallas Tex. (15) Dr. Cairns believed the bone to be a piece of human skull. (16) William Harper said he then gave the specimen to Special Agent Anderton of the FBI on November 25. (17)

(106) Adm. George G. Burkley, the physician to the President, noted in an unaddressed memorandum on Nov. 27, 1963, that at 5:15 p.m. that day he received a small Neiman-Marcus box about 2½ by 3½ inches containing material which "had been discussed previously" with the FBI. (18) Dr. Burkley also wrote that this material would be deposited with the commanding officer of the Bethesda Naval Hospital for retention with other materials of a similar nature. (19)

(107) The evidence indicates that the Neiman-Marcus box contained the bone fragment William Harper discovered. First, the dimensions of the box and the Harper bone fragment (2¼ by 2½ inches) correspond. Second, the dates when William Harper gave the bone fragment to authorities and when Admiral Burkley referred to the Neiman-Marcus box in his memorandum are just 2 days apart. Third, William Harper gave the fragment to an FBI agent, and Admiral Burkley said the contact for receiving the box was the FBI. (20) Fourth, Admiral Burkley referred to the contents of the box as a specimen. (21) Consequently, it is logical that the Neiman-Marcus box contained the Harper bone fragment.

(108) In the same memorandum, Dr. Burkley also commented that Bouck had given him a specimen of bone, apparently on the same day, that was allegedly found in the parkway near the scene of the assassination. (22) Dr. Burkley noted that both of the above specimens were to be turned over to the Bethesda Naval Hospital for examination, analysis, and retention until other disposition was directed. (23) The committee does not know if this occurred.

(109) As mentioned earlier, the pathologists retained various sections of organs as well as the entire brain after the autopsy for subsequent microscopic examination. (24) In this regard, Captain Stover informed the committee that the pathologists placed the brain in a formaldehyde

solution in a stainless steel bucket and then deposited this in the closet of Admiral Galloway. (25) Stover also stated that the smaller portions of organs were retained in individual jars and then probably placed in the pathology department safe. (26) Dr. Burkley supported this information by informing the committee that he directed the "fixation and retention of the brain for future study." (27)

(110) The pathologists documented the results of the microscopic (gross) examination in a supplemental report. (28) Although the brain was not coronally sectioned, that is, sliced like a loaf of bread, the doctors did remove some sections. (29) Chester Boyers, one of the Navy personnel involved in the microscopic examination, informed the committee in an affidavit that he recalled preparing for analysis sections of organs on November 24, 1963, and the brain on December 2, 1963. (30) Neither Captain Stover nor Chester Boyers could recall what happened to these materials after this examination other than that Dr. Humes and Dr. Boswell, two of the autopsy pathologists, maintained possession of them at Bethesda Naval Hospital. (31) Stover also said that Dr. Burkley had control over the disposition of the materials. (32)

(111) In an affidavit and interview with Dr. Burkley, he informed the committee that shortly after this supplemental examination of the organs and brain, he directed the Bethesda Naval Hospital to transfer all the physical autopsy material in its possession to Bouck at the Executive Office Building. (33) Dr. Burkley stated further that Captain Stover gave him the brain in a white granite or stainless steel bucket and that he personally transferred it to the White House where it was placed in a locked Secret Service file cabinet. (34)

(112) Bouck corroborated this transfer in a memorandum dated April 26, 1965, in which he asserted that

[s]hortly after the assassination of President Kennedy, Adm. George C. Burkley delivered to this section certain specimens, photographs, and documents relating to the autopsy. (35)

(113) The evidence indicates, therefore, that soon after the autopsy of President Kennedy, all autopsy-related material was transferred from Bethesda Naval Hospital to the Executive Office Building where they were maintained in the custody of Bouck and under the control of Admiral Burkley. Specifically, this material included the autopsy photographs and X-rays, the bone fragments found in Dallas after the assassination, and the tissue sections of organs and brain. The Secret Service maintained custody of all of this material at all times until its transfer to the National Archives in 1965.

### PART III. SUBSEQUENT HISTORY OF MATERIALS

(114) On April 22, 1965, then Senator Robert F. Kennedy sent a letter to Dr. Burkley directing him to transfer in person the autopsy material being kept at the White House to Mrs. Evelyn Lincoln, the personal secretary of President Kennedy, for safekeeping at the National Archives. (36) The letter also said that Mrs. Lincoln was being instructed that the material was not to be released to anyone without Robert Kennedy's written permission and approval. (37) This demonstrates Robert Kennedy's firm control over the disposition of the materials.

(115) In response to this directive, Dr. Burkley notified the Protective Research Division of Senator Kennedy's request.(38) Before transferring the material, Bouck, Burkley and other Secret Service personnel carefully inventoried all the items present. (39) This was the first official inventory of these materials.

(116) On April 26, 1965, Burkley and Bouck transferred the materials to Evelyn Lincoln.(40) A letter from Burkley to Lincoln documenting the exchange included the inventory,(41) which documented that a stainless steel container 7 by 8 inches in diameter, containing gross material was transferred.(42) On the last page of the inventory, Lincoln wrote: "Received, April 26, 1965, in room 409, National Archives, Washington, D.C., from Dr. Burkley and Robert Bouck."(43) At the time of the transfer, the items now missing, which are those enumerated under item No. 9 of the inventory,(44) were allegedly present.

(117) In his testimony before the committee, Bouck stated that he is quite positive all the autopsy-related material that came into his possession was given to Mrs. Lincoln(45) at the time of the 1965 transfer. He also stated that he was uncertain whether Dr. Burkley had custody of the brain, but that if the brain was part of the autopsy materials in the custody of the Secret Service, it was transported to the National Archives.(46)

(118) Dr. Burkley clarified this issue, saying that the stainless steel container mentioned in the inventory held the brain and that he saw the bucket in April 1965, when he and Bouck transferred the autopsy materials to Lincoln.(47) Since this transfer, Dr. Burkley maintains that he has had no further knowledge of or association with these materials.(48)

(119) Mrs. Lincoln was not an employee of the National Archives during this period; she was only assisting in the transfer of the official papers and items of President Kennedy and in this capacity occupied an office in the National Archives.(49) Consequently, although the autopsy materials were in the confines of the building, the National Archives did not have authority or responsibility for them.(50)

(120) The next documented transaction involving the materials transferred to Mrs. Lincoln occurred on October 29, 1966, when Mr. Burke Marshall, on behalf of the executors of the John F. Kennedy estate, sent a letter to Lawson B. Knott, the Administrator of the General Services Administration, outlining an agreement for formal transfer of materials related to the autopsy to the U.S. Government.(51)

(121) Pursuant to this agreement, which constituted a deed of gift, Burke Marshall met with various representatives of the Government on October 31, 1966, in room 6-W-3 of the National Archives to transfer formally the materials related to the autopsy.(52) These materials were contained in a locked footlocker for which Ms. Angela Novello, the personal secretary to Robert F. Kennedy, produced a key.(53) Others in attendance for the transfer were William H. Brewster, special assistant to the general counsel, GSA, who unlocked and opened the footlocker; Harold F. Reis, executive assistant to the Attorney General; Robert H. Bahmer, Archivist of the United States; Herman Kahn, Assistant Archivist for Presidential libraries; and James B Rhoads, the Deputy Archivist of the United States.(54)

(122) After Brewster opened the footlocker, Marshall and Novello departed.(55) Bahmer, Reis, Rhoads, Kahn, and Brewster then re

moved all the material from the footlocker and inspected it. (56) The footlocker contained a carbon copy of the letter from Robert F. Kennedy to Burkley on April 22, 1965, and the original letter from Burkley to Lincoln on April 26, 1965, which also listed on the itemized inventory list the materials present at that transfer. (57)

(123) Upon inspection, the officials realized that the footlocker did not contain any of the material listed under item No. 9 of the inventory. (58) This material included:

- 1 plastic box, 9 by 6½ by 1 inches, paraffin blocks of tissue sections.
- 1 plastic box containing paraffin blocks of tissue sections plus 35 slides.

A third box containing 84 slides.

- 1 stainless steel container, 7 by 8 inches in diameter, containing gross material.
- 3 wooden boxes, each 7 by 3½ by 1¼ inches, containing 58 slides of blood smears taken at various times during President Kennedy's lifetime. (59)

(124) The last date these items were accounted for was the April 26, 1965 transfer of the autopsy materials to Lincoln.

(125) The committee contacted Lincoln to determine what happened to the materials in item No. 9, the missing materials, following their documented transfer to her in April 1965. She informed the committee in an interview and subsequent affidavit that Burkley and Bouck brought her some materials in the spring of 1965 that Dr. Burkley identified as being related to the autopsy of the President. (60) She recalled that these materials arrived in a box or boxes, and that within 1 day she obtained a flat trunk or footlocker from the Archives personnel to which she transferred the materials. (61) She added that these materials were kept in a security room in her office in the National Archives. (62)

(126) Mrs. Lincoln stated that within approximately 1 month, Robert F. Kennedy telephoned her and informed her that he was sending Angela Novello, his personal secretary, to move the footlocker that Dr. Burkley had transferred. (63) She believed they wanted the materials moved to another part of the Archives, presumably where Robert F. Kennedy was storing other materials. (64) Angela Novello soon came to her office with Herman Kahn, Assistant Archivist for Presidential Libraries, and one or more of his deputies, to take the trunk. (65) Lincoln believes she had Novello sign a receipt for the materials, which was Lincoln's routine practice, but she is uncertain where it would be today. (66) Lincoln also said that she gave Novello both keys to the trunk. (67) She added that the trunk was never opened while it was in her office. (68)

(127) Lincoln had no further direct contact with the material, but did state that after the assassination of Robert Kennedy, she began to wonder what happened to it. (69) Consequently, she contacted Kenneth O'Donnell, former aide to President Kennedy, to make sure the family was aware of its existence. Mrs. Lincoln said it was her understanding that Mr. O'Donnell then called Senator Edward Kennedy, subsequently calling her back to tell her everything was under control. (70)

(128) Because of Lincoln's statement and other reports that Novello produced the key to the footlocker in December 1966, the committee interviewed Novello and also obtained an affidavit. (71) She informed

the committee that she had no recollection of handling a footlocker, of possessing a key or keys to such a footlocker, or of handling any of the autopsy materials.(72)

(129) The committee also contacted Burke Marshall and Senator Edward Kennedy to determine their knowledge of the missing materials. Senator Kennedy indicated that he did not know what happened to the materials, or who last had custody of them.(73)

(130) While Burke Marshall also maintained that he had no actual knowledge of the disposition of the materials, he said it was his speculative opinion that Robert Kennedy obtained and disposed of these materials himself, without informing anyone else.(74) Marshall said Robert Kennedy was concerned that these materials would be placed on public display in future years in an institution such as the Smithsonian and wished to dispose of them to eliminate such a possibility.(75) Marshall emphasized that he does not believe anyone other than Robert Kennedy would have known what happened to the materials and is certain that obtaining or locating these materials is no longer possible.(76)

(131) Since Marshall offered the opinion without any verification, the committee continued to search for the missing materials and to examine any issue related to the autopsy materials in general. The committee interviewed Harold F. Reis, Executive Assistant to the Attorney General who attended the 1966 transfer of the autopsy materials to the National Archives, as well as Ramsey Clark, the Attorney General in 1966, to determine their knowledge of the missing materials. Clark stated that he initiated the action to acquire the materials transferred in the October 1966 deed of gift pursuant to Public Law 89-318, enacted on November 2, 1965.(77) This law provided that the acquisition by the United States of certain items of evidence pertaining to the assassination of President Kennedy had to be completed within 1 year.(78) When Clark learned the time limit for obtaining the evidence was approaching, he contacted Robert Kennedy, who was not sympathetic to the Government's need to acquire the autopsy material.(79) Rather heated negotiations ensued between Clark and Burke Marshall, the Kennedy family representative, which resulted in the October 29, 1966 agreement constituting the deed of gift.(80) Clark stated that he had only requested transfer of the autopsy photographs and X-rays and did not recall any discussions with Robert Kennedy about any other autopsy materials.(81) Consequently, the brain and the tissue segments were not an issue in the procedures and negotiations during the October 1966 transfer. The committee could not ascertain if the physical specimens were ever discussed in the negotiations, what type of approval Robert Kennedy gave for transferring the materials, or what procedure was employed to separate the photographs and X-rays from the material now missing.

(132) The next reference to the missing materials and the other autopsy materials in the custody of the National Archives occurred in 1968. Ramsey Clark, the Attorney General, arranged for an independent review of the autopsy evidence by a group of pathologists—commonly referred to as the Clark panel—as a result of growing skepticism concerning the assassination and Warren Commission investigation.(82) In a memorandum to the files on February 13, 1969, Thomas J. Kelley, the Assistant Director of the Secret Service, reflected on the

report of the Clark panel, in which the physicians had commented that the materials they reviewed were included on the inventory list that accompanied the letter from Burkley to Lincoln on April 26, 1965. (83) Kelley asserted that this reference to the autopsy materials by the Clark panel physicians was phrased in this manner because the doctors did not have access to the materials listed as comprising item No. 9 on the inventory list. (84) The memorandum also noted that after discovering in October 1966 that these items were missing, Archives personnel conducted a careful search but could not determine their location. (85)

(133) After discussing the "missing" materials with Harry R. Van Cleve, Jr., General Counsel to the General Services Administration, and agreeing that they should attempt to ascertain their disposition, Kelley said he would contact Dr. Burkley. (86) Kelley's memorandum related the following:

[T]hat after turning all of this material over to Mrs. Lincoln [on April 26] [Burkley] 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 footlocker; 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. (87)

(134) The memorandum further related that Dr. Burkley told Kelley that Henry Giordano, a former White House driver, was working with Lincoln at the time of the transfer and was then employed in Senator Kennedy's office. (88)

(135) After contacting Van Cleve again and advising him of the contact with Burkley, Kelley related the following:

I \* \* \* 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. (89)

(136) Thus, the General Services Administration, which oversees the National Archives, decided not to pursue the search for the missing materials any further. The officials involved were apparently satisfied with knowing that the National Archives did not have any responsibility in their disappearance and did not wish to instigate trouble by pursuing any investigation.

(137) In 1971, a controversy, not directly involving the missing materials, arose over the chain of custody of the autopsy materials being stored in the National Archives and who should have access to them.

John Nichols, a pathologist, began court proceedings in the Federal courts, challenging the agreement of October 29, 1966, which contains several restrictions limiting public access to the autopsy materials. (90) An issue raised by the suit was whether the Kennedy family ever had any legal right to control the autopsy materials at any time and, consequently, whether any deed of gift from the family which contained restrictions limiting public access could be valid. (91)

(138) Both the Federal District Court and the Tenth Circuit Court of Appeals upheld the agreement. (92) The court of appeals stated that the "letter of agreement of October 29, 1966 is a valid, binding agreement and that the restrictions imposed thereby are reasonable." (93)

(139) The legal department of the Congressional Research Service analyzed the *Nichols* case for the committee. The CRS noted that while the "*Nichols* decision represents only the determination of one circuit. until the question is addressed elsewhere it would seem to represent 'the state of the law.'" (94) The CRS stated that until the April 1965 transfer, the autopsy materials were "in Government hands with no intervening transfer of like having occurred." (95) It then observed:

At this point, however, as suggested in the November 4, 1966, Treasury Department memorandum \* \* \* the transfer to the Kennedy family may have been interpreted by some as indication of U.S. recognition of Kennedy family rights in the items so transferred. At some point thereafter, either upon delivery to the Archives in 1965 or upon acceptance of the letter of gift of October 1966, the materials may be regarded as having been either (1) returned to their rightful owner, the United States Government, or (2) donated by properly executed deed of gift to the United States, thereby resulting in relinquishment of Kennedy family rights in them. (96)

(140) The CRS ended by saying that two conclusions are irrefutable. First, the autopsy photographs and X-rays are now the property of the United States; and second, the letter of agreement between the Government and the Kennedy family remains enforceable. (97)

(141) The committee also interviewed Archives personnel to ascertain their present position regarding the missing materials. In response to committee requests, Trudy H. Peterson, Assistant to the Deputy Archivist of the United States, prepared a written statement. (98) In this document, Peterson noted that just prior to the October 1966 transfer of the materials to the Archives, the locked footlocker was brought to the National Archives building, although she does not specify from where. (99) This suggests that after Novello allegedly took the material from the office of Mrs. Lincoln, it may have been removed from the Archives building as opposed to only being moved to another part of the building as Mrs. Lincoln speculated. (100) Peterson also says that Robert Bahmer, the Archivist of the United States in 1966, believed that sometime before the transfer of the materials as a gift, Herman Kahn, the Assistant Archivist for Presidential Libraries supervised the acceptance of the footlocker, along with several other boxes of Robert Kennedy's materials, for courtesy storage in vault 6-W-3. (101) Peterson further stated that Herman Kahn, now dead, may have been the only Archives employee present for the transfer and that no record of delivery is available. (102)



(142) In response to a subsequent committee inquiry concerning Herman Kahn, Peterson stated that Kahn dealt with members and representatives of the Kennedy family during 1964-68 on numerous issues, including the courtesy storage of Robert Kennedy materials. (103) He was present for the October 1966 transfer and, according to Marion Johnson of the National Archives, was one of the original holders of the combination to the safe cabinet in which the autopsy material was stored. (104) Kahn also allegedly accompanied Novello when Novello apparently removed the autopsy materials from the office of Lincoln. (105)

(143) In response to another committee request, the Office of Presidential Libraries conducted a thorough but unsuccessful search of the office files for 1965-66 for documentation regarding the transfer of the autopsy materials to the physical custody of the Archives. (106) Additionally, two members of the Presidential Libraries staff who worked under Herman Kahn at that time stated in interviews and affidavits that they could not recall any pertinent details concerning the autopsy materials. (107) The staff of the John F. Kennedy Library also reviewed their files, with negative results. (108) Further, one Archives employee, Marion Johnson, Archivist, Office of the National Archives, National Archives and Records Service, remembered that he became aware of the footlocker containing the autopsy materials shortly before the October 31, 1966 transfer, but was not aware of its contents until after the transfer. (109) Additionally, at the request of the committee, on July 18, 1978, Clarence Lyons and Trudy Peterson conducted a thorough but unsuccessful search of the security storage vault for the tissue sections and the container of gross material. (110)

(144) Given these efforts and findings, it appears that Kahn and Novello removed the autopsy material from the office of Mrs. Lincoln shortly after April 1965. The material was then either kept in another part of the Archives, probably a Robert Kennedy courtesy storage area, or removed from the building to a location designated by Robert Kennedy. The circumstantial evidence would seem to indicate that Robert Kennedy then decided to retain possession of all physical specimen evidence and transferred only the autopsy photographs and X-rays to the Government. The committee has not been able to verify how or when the item No. 9 materials were removed from the other autopsy materials or what subsequently happened to them.

#### PART IV. ADDITIONAL EFFORTS TO ACQUIRE THE MISSING MATERIALS

(145) After failing to determine the fate of the missing materials by tracing that chain of custody, the committee investigated the possibility that someone had placed the missing autopsy items, all of which were physical specimens taken from the body of President Kennedy, in the final grave on reinterment, on March 14, 1967. (111) The persons contacted who were present for the ceremony could not recall any additional package or material being placed in the grave. The Superintendent of Arlington National Cemetery from 1951 to 1972, John Metzler, informed the committee that he attended the burial of the President and the reinterment. (112) At the time of burial, the coffin was placed in a "Wilbur" vault, which has a lid and vault that op-

erate on a tongue and groove system. Tar is placed on the points of contact of the grooves to insure a tight fit and permanent seal. (113) Metzler witnessed the lowering of the lid and the sealing of the vault. (114) and believed that the only method to open the vault subsequently would be to break the lid on the main portion of the vault. (115)

(146) Metzler supervised the reinterment in 1967 and was present at all phases of the transfer: from the opening of the old site through the transfer by crane of the vault to the closing of the new site (116) Metzler said there was no way anyone could have placed anything in the coffin or vault during the transfer without his seeing it. (117) Metzler also said that nothing could have been placed in the vault since 1963 because there was no indication of damage to the vault indicating any disturbance. (118) Metzler stated further that no one placed anything in the new or old gravesite besides the vault. (119) (147) In the course of its investigation the committee contacted numerous other people in an unsuccessful attempt to locate the missing materials. They included:

1. Dr. James J. Humes, autopsy pathologist;
2. George Dalton, former White House aide and assistant to Mrs. Lincoln at the National Archives;
3. Edith Duncan, administrative assistant to Robert Bouck, Protective Research Section, Secret Service;
4. Joseph D. Giordano, former White House aide and assistant to Mrs. Lincoln at the National Archives;
5. Frank Mankiewicz, former assistant to Robert F. Kennedy;
6. Harry Van Cleve, former General Counsel of the General Services Administration;
7. Lawrence O'Brien, former aide to President Kennedy;
8. David Powers, former aide to President Kennedy;
9. Ken Fienberg, aide to Senator Edward Kennedy;
10. P. J. Costanzo, Superintendent of Arlington National Cemetery;
11. Dr. James Boswell, autopsy pathologist;
12. Dr. Pierre Finck, autopsy pathologist;
13. Adm. George Galloway, commanding officer of the National Naval Medical Center in 1963;
14. Capt. John H. Stover, commanding officer of the U.S. Naval Medical School in 1963;
15. Bruce Bromley, former Justice Department attorney who was called briefly from private practice to serve as counsel to the Clark panel;
16. Carl Eardley, former Justice Department official;
17. Harold Reis, former Justice Department official;
18. Sol Lindenbaum, former Justice Department official;
19. National Archives personnel; and
20. Thomas J. Kelley, Assistant Director of the U.S. Secret Service.

#### PART V. CONCLUSIONS

(148) Despite these efforts, the committee was not able to determine precisely what happened to the missing materials. The evidence indicates that the materials were not buried with the body at reinterment. It seems apparent that Angela Novello did remove the footlocker con-

taining the materials from the office of Mrs. Lincoln at the direction of Robert Kennedy, and that Herman Kahn had knowledge of this transaction. After the removal from Lincoln's office, Robert Kennedy most likely acquired possession of or at least personal control over these materials. Burke Marshall's opinion that Robert Kennedy obtained and disposed of these items himself to prevent any future public display supports this theory.

(149) There are at least two possible reasons why Robert Kennedy would not have retained the autopsy photographs and X-rays. First, the only materials retained were physical specimens from the body of his brother: Tissue sections, blood smear slides, and the container of gross material. He may have understandably felt more strongly about preventing the misuse of these physical materials than the photographs and X-rays. Second, the Justice Department under Ramsey Clark pushed hard to acquire the photographs and X-rays but did not request the physical materials. Even if Robert Kennedy had wished to prevent the release of all the autopsy materials, he was not in a position to do so when confronted with Justice Department demands.

(150) Consequently, although the committee has not been able to uncover any direct evidence of the fate of the missing materials, circumstantial evidence tends to show that Robert Kennedy either destroyed these materials or otherwise rendered them inaccessible.

#### REFERENCES

(1) Letter from James J. Rowley, U.S. Secret Service, to Barefoot Sanders, Assistant Attorney General, Civil Division, U.S. Department of Justice, Feb. 23, 1967, p. 1 (JFK Document No. 014879). See also the receipt from Capt. J. H. Stover, Jr., MC, USN, commanding officer, U.S. Naval Medical School, to Roy H. Kellerman, assistant special agent in charge, U.S. Secret Service, Nov. 22, 1963 (JFK Document No. 062504).

(2) *Ibid.*

(3) *Ibid.*, letter from Rowley to Sanders, p. 1.

(4) Memorandum from James K. Fox, photographer, intelligence division, U.S. Secret Service, Feb. 16, 1967 (JFK Document No. 014879).

(5) *Ibid.*

(6) See reference 1, the letter from Rowley to Sanders, p. 2.

(7) See reference 4.

(8) See reference 1, letter from Rowley to Sanders, p. 2.

(9) *Id.* at p. 2.

(10) *Id.* at p. 3.

(11) *Id.* at p. 2.

(12) *Ibid.*

(13) *Id.* at p. 1.

(14) FBI report, Nov. 25, 1963, Dallas, Tex., file No. DL 89-43, p. 150-A.

(15) FBI memorandum, June 14, 1964, Dallas, Tex., entitled "Lee Harvey Oswald," pp. 2 and 5.

(16) *Id.* at p. 5.

(17) FBI report, Nov. 25, 1963, Dallas, Tex., file No. DL 89-43, p. 150-A.

(18) Memorandum for file from G. G. Burkley, M.D., Nov. 27, 1963 (JFK Document No. 002504).

(19) *Ibid.*

(20) *Ibid.*

(21) *Ibid.*

(22) *Ibid.*

(23) *Ibid.*

(24) Autopsy protocol of President John F. Kennedy, U.S. Naval Medical Center, Bethesda Naval Hospital, Bethesda, Md., A63-272, Nov. 22, 1963.

(25) Outside contact report, John H. Stover, May 11, 1978 House Select Committee on Assassinations (JFK Document No. 013615).

(26) Ibid.

(27) Affidavit of George G. Burkley, House Select Committee on Assassinations, Nov. 28, 1978, p. 3 (JFK Document No. 013416).

(28) Supplemental autopsy report of President John F. Kennedy, Bethesda Naval Hospital, A63-272, Dec. 6, 1963.

(29) Ibid. These sections were taken from tissue areas surrounding the missile path. The brain was not, however, sectioned coronally, a normal forensic autopsy procedure.

(30) Affidavit of Chester H. Bowers, Dec. 4, 1978, House Select Committee on Assassination, p. 4 (JFK Document No. 014834). See also outside contact report of Chester Boyers, Apr. 25, 1978, House Select Committee on Assassinations (JFK Document No. 013614).

(31) Affidavit of Chester H. Boyers, Dec. 4, 1978, House Select Committee on Assassinations, p. 4 (JFK Document No. 014834) : outside contact report of John H. Stover, May 11, 1978, House Select Committee on Assassinations (JFK Document No. 013615).

(32) Outside contact report of John H. Stover, Nov. 28, 1978, House Select Committee on Assassinations (JFK Document No. 013315).

(33) Affidavit of George G. Burkley, Nov. 28, 1978, House Select Committee on Assassinations, p. 3 (JFK Document No. 013416).

(34) Ibid.

(35) Secret Service memorandum from Robert I. Bouck to the chief of the Protective Research Service, Apr. 26, 1965 (JFK Document No. 002504).

(36) Letter from Robert F. Kennedy to George G. Burkley, U.S. Senate letterhead, Apr. 22, 1965.

(37) Ibid.

(38) See reference 1, letter from Rowley to Sanders, p. 3.

(39) Ibid.

(40) Letter from George G. Burkley to Mrs. Evelyn Lincoln, White House letterhead, with attached inventory list, White House letterhead, Apr. 26, 1965.

(41) Ibid.

(42) Ibid.

(43) See reference 40, letter from Burkley to Lincoln.

(44) Ibid.

(45) Executive session testimony of Robert I. Bouck, House Select Committee on Assassinations (JFK Document No. 2).

(46) Id. at p. 74.

(47) Affidavit of George G. Burkley, Nov. 28, 1978, House Select Committee on Assassinations, p. 3 (JFK Document No. 013416).

(48) Outside contact report with George G. Burkley, Jan. 16, 1978, House Select Committee on Assassinations (JFK Document No. 014877).

(49) Staff memorandum, House Select Committee on Assassinations, regarding a meeting with Trudy H. Peterson, National Archives staff, Sept. 6, 1977 (JFK Document No. 014878).

(50) The Archives did not obtain responsibility for or formal possession of the materials until the October 1966 transfer.

(51) Library of Congress memorandum, "Ownership of Certain Autopsy Material Relating to President John F. Kennedy and the Validity of Agreements Restricting Access to Them," Sept. 17, 1977, p. 4 (JFK Document No. 002897).

(52) National Archives memorandum, "Inspection of Materials Relating to the Autopsy of President John F. Kennedy," Nov. 4, 1966, p. 1 (JFK Document No. 014876).

(53) Ibid.

(54) Ibid.

(55) Ibid.

(56) Ibid.

(57) Id. at p. 2.

(58) Ibid.

(59) See reference 40, letter from Burkley to Lincoln.

(60) Staff interview of Evelyn Lincoln, July 5, 1978, House Select Committee on Assassinations (JFK Document No. 009823) : affidavit of Evelyn Lincoln.

Oct. 16, 1978, House Select Committee on Assassinations (JFK Document No. 012659).

(61) *Ibid.*, Lincoln affidavit, p. 2.

(62) *Ibid.*

(63) *Id.* at p. 3.

(64) *Ibid.*

(65) *Ibid.*

(66) *Ibid.*

(67) *Id.* at p. 7.

(68) *Ibid.*

(69) *Id.* at pp. 3-4.

(70) *Id.* at p. 4.

(71) Staff interview of Angela M. Novello, Aug. 29, 1977, House Select Committee on Assassinations (JFK Document No. 002194); affidavit of Angela M. Novello, Oct. 30, 1978, House Select Committee on Assassinations (JFK Document No. 013015).

(72) *Ibid.*, Novello interview and Novello affidavit.

(73) Outside contact report, Senator Edward Kennedy, House Select Committee on Assassinations (JFK Document No. 008514).

(74) Outside contact report, Burke Marshall, May 18, 1978, House Select Committee on Assassinations, p. 2 (JFK Document No. 008514).

(75) *Ibid.*

(76) *Ibid.*

(77) Outside contact report of Ramsey Clark, May 9, 1978, House Select Committee on Assassinations (JFK Document No. 008159).

(78) See reference 51, Library of Congress memorandum, p. 2.

(79) See reference 77.

(80) *Ibid.*

(81) *Ibid.*

(82) 1968 panel review of photographs, X-ray films, documents and other evidence pertaining to the fatal wounding of President John F. Kennedy on Nov. 22, 1963 in Dallas, Tex. (the Clark panel report) (JFK Document No. 002430).

(83) U.S. Secret Service memorandum, Feb. 13, 1969, U.S. Secret Service No. CO-2-34030, p. 1.

(84) *Ibid.*

(85) *Ibid.*

(86) *Id.* at p. 2.

(87) *Id.* at pp. 2-3.

(88) *Id.* at p. 3.

(89) *Ibid.*

(90) See reference 51, Library of Congress memorandum, p. 7. See also *Nichols v. United States*, 325 F. Supp. 130 (D. Kansas, 1971), affirmed, 460 F. 2d 671 (10th Cir., 1972), cert. denied, 409 U.S. 966 (1972).

(91) *Ibid.*, Library of Congress memorandum, p. 7.

(92) *Ibid.*

(93) *Id.* at p. 11.

(94) *Id.* at p. 12.

(95) *Ibid.*

(96) *Ibid.*

(97) *Ibid.*, p. 13.

(98) Letter from Trudy H. Peterson, assistant to the deputy archivist of the United States, to G. Robert Blakey, Oct. 19, 1977, House Select Committee on Assassinations.

(99) *Id.* at p. 2.

(100) See reference 60, Lincoln interview, p. 3.

(101) See reference 98, Letter from Peterson to Blakey, p. 2.

(102) *Ibid.*

(103) *Id.* at p. 3.

(104) *Ibid.*

(105) See reference 60, Lincoln interview, p. 3.

(106) Letter from Trudy H. Peterson to Donald A. Purdy, Jr., June 26, 1978, House Select Committee on Assassinations (JFK Document No. 010317).

(107) *Ibid.*; see also affidavit of Evans Walker, Nov. 24, 1978, House Select Committee on Assassinations (JFK Document No. 013214) and affidavit of

**Katherine Davidson, Nov. 24, 1978, House Select Committee on Assassinations (JFK Document No. 013273).**

(108) See reference 106, letter from Peterson to Purdy.

(109) Affidavit of Marion Johnson, Nov. 27, 1978, House Select Committee on Assassinations (JFK Document No. 013318).

(110) See reference 106, letter from Peterson to Purdy.

(111) Letter from R. J. Costanzo, Superintendent of Arlington National Cemetery, to the House Select Committee on Assassinations (JFK Document No. 002282).

(112) Outside contact report of John Metzler, May 5, 1978, House Select Committee on Assassinations, p. 1 (JFK Document No. 008148).

(113) Id. at pp. 1-2.

(114) Id. at p. 1.

(115) Id. at p. 2.

(116) Ibid.

(117) Id. at p. 3.

(118) Ibid.

(119) Id. at p. 4.