

MEMORANDUM

January 16, 1996

To: David Marwell, Jeremy Gunn
cc - Dennis Quinn

From: Joe Freeman

Subject: Draft questions for Andy Purdy, re: missing autopsy material

These are possible questions for Andy Purdy relative to the HSCA's efforts to find out what happened to President Kennedy's brain and related autopsy materials. Some of these questions, as will be clear, could be better asked of other HSCA players but, given that Andy Purdy will be here and the others won't, we may want to see if he has a take on them. The draft questions proffered below are organized by subject matter. Verbiage preceding the questions could be used by a questioner as an intro to the questions themselves, but is also included here to provide this memo's recipients context as to why the question might be worth asking at all.

A. The 1967 Reinterment. The HSCA concluded that President Kennedy's brain was *not* interred with his body during the reinterment at Arlington Cemetery in 1967. This conclusion appears to have rested largely on interviews with individuals who were present, most principally John (Jack) Metzler, the Superintendent of Arlington National Cemetery. Photos taken of the reinterment by DOD show a small box sitting on the ground near the new gravesite. Some have speculated that this box may have contained the President's brain and that the box may have been placed in the new grave alongside the coffin's vault.

- 1- Did the HSCA obtain/examine these photos of the reinterment?
- 2- If so, was John Metzler shown these photos and asked to explain the presence of the box?

The HSCA requested and secured information from the DOD regarding the identities of those present for the reinterment. It appears from HSCA records that Paul Warnke, who is still living, was not contacted. Nor was Robert McNamara. The HSCA secured, after several attempts, the names of workmen present at the reinterment. We've found no confirmation that these individuals were subsequently contacted by the HSCA.

- 3- Can you confirm that these individuals were not contacted, and do you think

Memo to David Marwell and Jeremy Gunn
January 16, 1996
Page 2

it would be worthwhile for the ARRB to contact these individuals at this point?

Lastly, relative to the reinterment, Dr. Michael Baden -- at the most recent COPA Conference held here in Washington, D.C. -- articulated with apparent certitude his belief that the President's brain *was* interred with the coffin at the time of the reinterment.

- 4- Do you know why Dr. Baden would make such a statement -- inconsistent as it was with the HSCA's findings -- or, put another way, do you know why he disagrees with the findings of the Committee on this critical issue?

B. Nature of HSCA's contact with Senator Edward Kennedy. HSCA Volume 7 states that Senator Edward Kennedy was contacted by the Committee and that "Senator Kennedy indicated that he did not know what happened to the materials, or who last had custody of them" (p. 28). We've located three Outside Contact Reports (OCRs) with Senator Kennedy or his office among HSCA records, and none of them describe a direct personal contact with the Senator on this topic. It appears from the record that Chief Counsel Robert Blakey was the Committee's point person with the Senator's office on this sensitive topic. He had one courtesy meeting with the Senator in the latter's office (10/31/77) and two subsequent phone contacts with Ken Fienberg of the Senator's staff (in Jan. and March of 1978). Mr. Blakey's OCR for the 10/77 meeting clearly indicates that it was strictly a courtesy call. The OCR for the 1/77 phone call with Fienberg indicates Chief Counsel Blakey asked Fienberg to ask the Senator about the disposition of President Kennedy's brain; the OCR for the 3/78 phone contact between Blakey and Fienberg reflects Fienberg's informing the Chief Counsel that neither the Senator, Burke Marshall or others have any knowledge regarding the whereabouts or disposition of the brain. What is not clear is whether Fienberg asked the Senator directly, or whether the inquiry was mediated through someone else, like Burke Marshall.

In deciding whether to contact Senator Kennedy on this issue, the ARRB would find it helpful to know more about the precise nature and number of any previous and related contacts with the Senator.

- 5- Do you recall any other contacts with Senator Kennedy or his office beyond the ones referenced above?

- 6- Do you see any value in contacting Ken Fienberg to ascertain whether or not the response he relayed to the Committee was mediated through third parties, or whether he posed the question directly to his boss and got a direct reply which he then conveyed to Chief Counsel Blakey?

C. Burke Marshall. Chief Counsel Blakey and Mark Flanagan met with Burke Marshall at Yale University on 5/18/78. According to Mark Flanagan's OCR of the meeting, Burke Marshall told them that he did not know what happened to the missing autopsy materials, but that it was Burke's "informed judgment" (Flanagan's description) that Robert Kennedy disposed of the materials himself without informing anyone else. Burke's judgement was subsequently enshrined in Volume 7 as the Committee's own best guess as to what really happened.

7- Do you believe there is any possibility that Burke Marshall, while keeping faith with a commitment to protect the privacy of the Kennedy family, was trying to tell the Committee what he *knew*, rather than what he suspected, so as to minimize if not end further speculation on this issue?

8- Do you have any thoughts on whether it would be worthwhile to re-contact Burke Marshall on this topic, either in addition to or in lieu of an attempt to contact Senator Kennedy directly?

D. Ethel Kennedy. The HSCA apparently made no attempt to contact Ethel Kennedy concerning the missing autopsy materials. As Robert Kennedy's spouse and confidante, she would have been a likely repository of any confidences he might have shared on this issue (perhaps the *most* likely, after Edward Kennedy).

9- Did the HSCA consider contacting Ethel Kennedy on this issue and, if it did, why did the Committee decide not to?

E. Angie Novello. You interviewed Angie Novello, who claimed to have no recollection of picking up the footlocker containing the autopsy materials from Evelyn Lincoln. Her subsequent affidavit reiterated her failure to recollect this transfer. Yet the Committee seems to have concluded that this transfer did, in fact, take place (as Evelyn Lincoln maintained). An ARRB decision regarding re-contacting Ms. Novello at this date must rest, in part, on a judgement as to whether her memory genuinely failed her at the time of the HSCA's inquiries, or whether she was feigning a memory lapse so as to protect information she may still possess about the disposition of the footlocker.

10- What is your sense (and your recollection of the Committee's sense at the

time) of Ms. Novello's degree of cooperation with the Committee's inquiry on this issue?

11-Do you have any recommendation to make on the advisability of the ARRB re-contacting Ms. Novello on this issue?

F. Ramsey Clark. On 5/6/78 you conducted what appears to have been a lengthy phone interview with former Attorney General Ramsey Clark, an interview which you summarized in a 12-page handwritten OCR. In this interview, Clark indicated that he could not remember the subject of President Kennedy's brain coming up in his conversations with Robert Kennedy concerning the acquisition of autopsy materials. On the previous day, 5/5/78, Mark Flanagan had spoken with Dr. Baden on several matters and, in a brief OCR, referenced that "Ramsey Clark -- spoke to RFK concerning what happened to the brain." It is unclear whether this statement references something Dr. Baden told Flanagan, whether he did so as a matter of incontrovertible fact or as a theory, etc. At least one researcher has seized on the declarative nature of this brief reference in Flanagan's OCR to suggest that Clark was untruthful when you spoke with him on this same issue the next day. The following questions, then, are relevant to whether the ARRB should seek to reengage with Mr. Clark on this issue, this time under oath.

12- Do you have any knowledge concerning the origin or meaning of the reference to Ramsey Clark in Mark Flanagan's OCR of 5/5/78?

13- Do you have any reason to believe that Ramsey Clark was less than fully truthful in his conversation with you on 5/6/78, relative to this issue -- did you have any recollection of his seeming to hedge, etc?

G. Summary Questions. Finally, do you have any general thoughts on whether or how the ARRB should pursue the issue of President Kennedy's brain? Are there any stones you recall having felt the HSCA left unturned at the time -- or any stones worth turning over a second time at this later date?