

MEMORANDUM

January 19, 1996

To: David Marwell, Jeremy Gunn
cc - Tom Samoluk, Dennis Quinn, Tim Wray

From: Joe Freeman

Subject: Missing Autopsy Materials -- possible future steps, post-Purdy interview

As a follow-up to Andy Purdy's visit, here are some additional contacts I would recommend making if we want to further pursue the issue of the missing autopsy materials. The recommendations are organized by relevant subtopics. These recommendations involve contacts, as opposed to document searches, so their implementation would presumably involve the efforts of ARRB staff that may have been heretofore less involved in the subject. Hopefully, my recent paper trail will help such folks get up to speed.

A. The Reinterment

1. Contact Jack Metzler - locate, if still alive, and show him the Stoughton reinterment photos. It seems pretty clear that Andy Purdy/HSCA never showed the photos to Metzler. He may be able to identify "the box."

2. Contact DOA General Counsel Coleman on DOD/MDW photos - Tim will be taking up the issue of the DOD/MDW photos with Stewart Aly, but also worth contemplating is a direct but informal approach to the Army's *current* General Counsel, William Coleman III. Dennis Quinn knows Coleman and, since the current chain of possession for the photos ends on 3/15/67 with Coleman's predecessor Alfred Fitt, Coleman may be able and willing to expedite the search/complement Stewart Aly's efforts.

3. Other - as a lesser priority, we could contact McNamara and Warnke. Purdy didn't recall having contacted either of them, and there is no indication of such contacts in the HSCA collection. According to the MDW log of the reinterment, McNamara arrived at Arlington *with* Robert Kennedy (Did RFK bring the box with him? Does McNamara remember the box already sitting there when he and RFK arrived?). Warnke arrived an hour *before* RFK and McNamara and, unlike

McNamara (who actually left five minutes before the President's vault was lowered into the new grave), Warnke stayed until after the Kennedy brothers had left (according to Frank Mankiewicz, who *was* contacted by the HSCA). Did Warnke see the box before RFK arrived; did he see it after RFK left?

B. The Nature and Extent of Sen. Edward Kennedy's Contacts with the HSCA

1. **Contact Bob Blakey** - HSCA records indicate that Blakey reserved to himself the role of HSCA contact with Senator Kennedy and his office. Moreover, given Blakey's position at the top of the HSCA hierarchy, and the potential sensitivity of contacts with the last surviving Kennedy brother, it is very possible some of Blakey's contacts went unrecorded for posterity. Blakey should be asked to confirm/deny the apparent absence of *direct* contact with Senator Kennedy on this issue. He could also be asked his sense of/knowledge concerning Ken Fienberg's contacts with Senator Kennedy on this issue (Were they direct, mediated by Burke Marshall, etc?). Blakey could also relate his impressions of his (and Mark Flanagan's) meeting with Burke Marshall at which they discussed this issue.

2. **Contact Ken Fienberg** - Purdy says Fienberg is still here in Washington at some big law firm. He could be asked about the nature of his interaction with Senator Kennedy on this issue (or if he ever talked directly to his boss about it at all).

C. Other

1. **Contact Baden, Flanagan and Novello** - as lesser priorities, Dr. Baden, Flanagan and Angie Novello could be contacted. Andy Purdy thought Novello should definitely be recontacted. I list her as a lesser priority because, absent direction from the Kennedy family, she seems unlikely to "remember" things she was unable to "remember" eighteen years ago. The other two are lesser priorities because they are likely to know less -- for instance, Purdy indicated Baden was not that involved with the HSCA's efforts to track the missing autopsy materials. On the other hand, Baden's bald assertion at the COPA conference would seem to demand some follow-up. Flanagan did work on the issue, and was at the Burke Marshall meeting with Blakey. Also, should either Baden or Flanagan be contacted, they each could be asked about Flanagan's OCR of their discussion where Baden relates that "Ramsey Clark -- spoke to RFK concerning what happened to the brain." As will be recalled, Mark

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Kathleen Cunningham has seized upon this OCR to suggest that Clark lied the next day when Purdy spoke with him (Clark told Purdy that he didn't recall the issue of the brain coming up when he talked to Robert Kennedy about the autopsy X-rays and photographs).

Conclusion -- it would seem to me that most or all of the above steps should be taken before any move is made to contact what I would call the principals -- Burke Marshall, Senator Kennedy or Ethel Kennedy.

Freeman e:\wp-docs\011996

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