

## MEMORANDUM

August 28, 1996

To:           Jeremy Gunn  
               David Marwell

From:         Doug Horne  
               Joe Freeman

Subject:      Possible questions for former President Gerald Ford

The questions, listed below by category, respond to last week's directive. The explanatory notes provide context for the recommended questions, and could be excerpted for purposes of a draft letter.

### **Warren Commission Executive Session of September 18, 1964**

This was the final executive session of the Commission prior to the release of its Report. Warren Commission records held at the National Archives and Records Administration (NARA) include steno tapes and verbatim transcripts for all the other executive sessions held by the Commission, but not for this one. NARA has only minutes for this meeting, the first page of which nonetheless appears as if it were the frontpiece of a verbatim transcript prepared by the Commission's reporting firm, Ward and Paul. This has led to speculation as to whether or not a stenotape and transcript might have been made but was subsequently withdrawn or lost. Some researchers believe (and there is contemporaneous and subsequent corroboration for this thesis) that this final executive session was a relatively contentious one, with at least one Commission member (Senator Richard Russell) expressing strong concerns about the Report and the degree of certainty it ascribed to some of the Commission's conclusions. These researchers believe that, wishing to maintain at least the public appearance of unanimity, Chief Counsel Rankin and/or Chairman Earl Warren may have decided it would be best if this final session was not transcribed. Needless to say, this transcript -- if it was made -- would be of great historical interest today. Failing a discovery of such a "lost" transcript, it would also be a very useful clarification of the historical record to determine whether or not it was ever made to begin with, regardless of its subsequent destruction or current status.

1. Do you recall whether a stenographer was present at this final executive session, as had been the case at all previous executive sessions? If a stenographer was not present, do you recall anyone present taking notes from which the meeting minutes might have subsequently been prepared?
2. Do you recall any discussion, either at the meeting itself or subsequently,

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about whether a transcript was or would be prepared? Do you recall statements by or discussions with Chief Counsel Rankin, Chairman Earl Warren or others about whether such a transcript should be prepared?

3. What are your own recollections concerning the executive session as to both its tenor and the substantive issues discussed? Was it a contentious meeting? Did Senator Russell express strong reservations about aspects of the Report? Do you recall any Commission staffers (besides Chief Counsel Rankin) being present?

### **Warren Commission Examination/Utilization of the photos or X-rays taken at the autopsy of President Kennedy**

Among the most important records associated with President Kennedy's assassination and subsequent investigations of the event are, of course, the photos and X-rays taken during the President's autopsy at Bethesda Naval Hospital. The handling of and access to these materials have been a source of much controversy over the years. In the months immediately following the publication of the Warren Commission's Report, for instance, the Commission was criticized in some quarters for its alleged failure to examine these important medical records during the course of its investigation. It has since emerged that at least some Commissioners and Commission staff *did* view some or all of this material. Presumably, these viewings were not recorded as part of the official history of the Commission's work out of a concern that doing so would require the inclusion of the photos and X-rays in the public record of the Commission's proceedings. Chairman Warren, out of deference to the understandable wishes of the Kennedy family, was determined that this not occur. Subsequently, of course, the Kennedy family reached an agreement with the Justice Department concerning the disposition of and access to the photos and X-rays which resulted in a deed of gift from the family to the National Archives. Since the deed of gift, moreover, unauthorized reproductions of the autopsy photos have been given wide currency in books, on television, etc. The precise extent and nature of the Warren Commission's utilization of these materials, however, remains an unanswered question of genuine importance in the history of the assassination and its aftermath. During the January 21, 1964, executive session meeting of the Warren Commission, for instance, Commissioner McCloy referenced "the colored photographs of the President's body" and Chief Counsel Rankin replied in a way that at least suggests that the Commission had access to or possession of the autopsy photos (p. 35 of the meeting transcript). At a subsequent executive session meeting, on January 27th, Rankin stated that "we have the picture of where the bullet entered in the back" (p. 193 of meeting transcript). Since the Commission's official drawings depicting this shot (Warren Commission Exhibits 385, 386 and 388; prepared by Harold Rydberg in March of 1964 and based on oral descriptions of the

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President's wounds provided by Dr. Humes, the chief prosector at the autopsy) had not yet been made, Rankin's reference would have to have been to either the autopsy photos or, possibly, the autopsy face sheet. Similarly, SAIC Robert Bouck, then-head of the Protective Research Section of the U.S. Secret Service, recalls either the Warren Commission General Counsel (Rankin) or a staff attorney visiting the Executive Office Building (where the autopsy photos and X-ray were kept during the Warren Commission's tenure) to view the photos. In a June 14, 1966 memo, headed "Responding to Inquiries Concerning Autopsy Films," from Robert E. Jordan III, Staff Assistant to the Special Assistant to the Secretary (for Enforcement) at the Department of the Treasury to Burrill A. Peterson, Assistant to the Director (Information and Liaison) at the Secret Service, it is stated that: "The X-ray films were used for the briefing of the Warren Commission's staff on the autopsy procedures and results." Essentially the same language is also used in 1966 by David C. Acheson of Treasury in responding to an inquiry from journalist Jacob Cohen: "X-ray films were made available to the Commission and were in fact used in briefing the Commission staff on the autopsy procedure and results." Earl Warren's posthumously (1977) published memoirs make clear that he saw the autopsy photos. Arlen Specter has indicated that he saw one of the photos while on the Commission's staff (though he describes it as "unauthenticated"). All of these disparate facts and recollections indicate some level of utilization of autopsy materials by the Commission (however unofficial), but a coherent picture of their treatment by the Commission has yet to emerge.

1. Have you ever seen any autopsy photos or X-rays, either as a member of the Warren Commission or subsequently, officially or unofficially? If so, what were the date, location, occasion and circumstances of the viewing? Who showed them to you, and who else was present?
2. Are you aware of *any* viewing of the autopsy photographs or X-rays by *any* Commission member or staff person? In answering this question, please rely not only on any direct personal knowledge you may have, but also on any indirect or third-party information you are or may have been privy to.

### **Autopsy Notes/Reference by Rankin to a Bullet Fragment Exiting the President's Throat**

At the Warren Commission's executive session of January 27, 1964, Chief Counsel Rankin references the autopsy report on President Kennedy and states (on page 193): "We have an explanation there in the autopsy that probably a fragment came out the front of the neck..." Rankin's choice of words -- "fragment" rather than "bullet" -- is intriguing in view of an early published report (on December 18, 1963, putatively based on leaks from an autopsy report) suggesting that the President's neck wound could have been an exit point for a fragment from a bullet that had struck the President's head.

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Later (p. 194) in the same session, Rankin states that “we have asked for the original notes from the autopsy” in an attempt to help the Commission sort out various issues relating to bullet trajectories, etc.

1. Do you recall if an autopsy report was physically available at this 1/27/64 session at which Chief Counsel Rankin made his remarks about “a fragment” having exited the President’s neck? Was Chief Counsel Rankin referring to or reading from a document when he made this remark?

2. Did the Commission ever examine the autopsy doctors’ original notes in an attempt to better understand the location of the back wound?

Freeman e:\wp-docs\0822963

Files 4.22.4

4.0.2 JFK Medical