

April 21, 2017

DRAFT

LCDR Paul M. DeLaney, JAGC, USN
Staff Judge Advocate
National Naval Medical Center
Bethesda, Maryland 20889-5600

Re: Bethesda National Naval Medical Center Compliance with the JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear LCDR DeLaney:

Thank you for meeting with Doug Horne and me on February 3, 1997, to discuss the status of Bethesda National Naval Medical Center's efforts to locate assassination-related records pursuant to its obligations under the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107 (Supp. V 1994) (JFK Act). This letter memorializes our understanding of the results of the meeting and describes the additional efforts that we believe NNMC should take to ensure compliance with the JFK Act. Please do not hesitate to advise us of any clarifications or corrections that you wish to make.

1. Discussion of Previous Bethesda NNMC Records Searches. Ron Haron began the meeting by asking NNMC representatives to elaborate upon searches for records described in NNMC's Initial Statement of Compliance (Ser 00J/4698, dated January 1, 1997). General discussions were held concerning previous searches conducted by NNMC: the first, circa late 1993, by Captain Evelina Yunan, MC, USN, who found an unsigned copy of President Kennedy's autopsy report in an Anatomic Pathology Division safe (which was subsequently transferred to the National Archives via the Bureau of Medicine and Surgery); the second, during October-November 1993, when CDR Jeanne Rushin, MC, USN, searched all NNMC Laboratory Department files and found no materials related to President Kennedy's autopsy; the third, in February 1996, in response to ARRB staff member Dennis Quinn's request, which CDR Norman's letter to the ARRB dated March 4, 1996 reported yielded no relevant documents; and the fourth, following NNMC's receipt of ARRB's Compliance Program letter dated December 6, 1996, which NNMC's Initial Statement of Compliance reported yielded no relevant documents. Mr. Haron requested that NNMC assemble and transmit, in its Final

Declaration of Compliance, all internal tasking memoranda, e-mail correspondence, and letters regarding direction to conduct searches, as well as all internal responses received from internal divisions, departments and individuals. As part of this information package, ARRB requested both an NNMC organization chart, as well as the names and ranks of individuals responsible for searches, be provided.

2. Freedom of Information Act Files. Mr. Haron requested that NNMC provide, as part of its Final Declaration of Compliance, all existing FOIA files (both incoming requests, and NNMC replies), for inclusion in the JFK Collection.

3. Laboratory Directorate Records Searches. CDR Jeanne Rushin, Head, Special Procedures, Laboratory Department, briefed meeting participants on the results of searches conducted within NNMC Bethesda's Laboratory Department. The oldest autopsy reports now on file at NNMC are from the year 1966, and the oldest paraffin blocks/tissue slides/and associated paper records now on file at NNMC are from the year 1975. We confirmed this by inspecting these records at the meeting's conclusion (at the invitation of CDR Rushin.) CDR Rushin also showed us the existing NNMC morgue autopsy logbook, which was a standard green, 9" x 14" GSA cloth-bound ledger containing the past 19 years of one-line "working entries" (by date, name, cause of death, and autopsy number), commencing with the year 1978, through the present. (CDR Rushin emphasized that two previous searches for the morgue autopsy log covering President Kennedy's autopsy had been fruitless, and that the disposition of that logbook was unknown--meaning that it is not known whether it has been destroyed, or retained. She did state categorically, however, that no records from the Laboratory Department are ever sent to the Federal Records Center at Suitland, Maryland. NNMC Bethesda's inability to find any earlier logbooks, therefore, appears to bring that search to a dead end.) In regard to retention standards for histology samples, CDR Rushin stated that the retention standards for paraffin blocks is 5 years, and for tissue slides is 20 years, and that when tissue slides are destroyed, accompanying paperwork records are destroyed with them. CDR Rushin has been stationed at NNMC Bethesda's Laboratory Department for nine years, longer than anyone else in a senior administrative position, and she stated that it was her personal knowledge that Laboratory Department personnel had destroyed out-of-date paraffin blocks and tissue slides on the following occasions: first, during the 1987-88 period, when blocks and slides were moved from the Bethesda "tunnels," where they had been stored for years, to the basement of BLDG. 14; and second, in 1993, when paraffin blocks and tissue slides were moved again, this time from the basement of BLDG. 14, to the basement of BLDG. 9 (adjacent to the current morgue). In each case, there were no records made identifying which materials were destroyed. CDR Rushin said that paper Laboratory

records were disposed of by shredding, and paraffin blocks and tissue slides were destroyed by burning. She said that she had personally searched the Laboratory Department records for JFK assassination-related records after CDR Norman's Bethesda-wide tasking in February, 1996, and again following NNMC's receipt of ARRB's December 6, 1996 Compliance letter.

Regarding x-rays, CDR Rushin explained that most x-rays are not retained more than 5 years, due to the desire to recycle and reclaim the silver used in the developing of the images.

4. Photographs of Bethesda Morgue Circa 1963. CDR Norman and LCDR DeLaney stated that multiple searches, in February and December 1996, failed to uncover any photographs of the old Bethesda morgue in which President Kennedy's autopsy was performed.

5. Ante-Mortem Medical Records of President Kennedy. CDR Norman and LCDR DeLaney both stated that there are no ante-mortem medical records of President Kennedy at Bethesda NNMC, and further stated that such records would never have been held at Bethesda, even during President Kennedy's time in office, but instead would almost certainly have been retained either by the President himself, or by the office of the White House Physician. CDR Norman suggested that ARRB contact the office of the current White House Physician, CAPT Connie Mariano, MC, USN, if further inquiries about President Kennedy's ante-mortem medical records were deemed necessary.

6. Camera Used to Photograph President Kennedy's Autopsy. Mr. Horne asked LCDR DeLaney to attempt to locate the 4" X 5" format "Graphic" (or "Graflex") tripod-mounted view camera which Navy civilian John Stringer used to photograph President Kennedy's autopsy, since John T. Stringer, Jr. was the head of NNMC Bethesda's medical photography department in November 1963, and the camera was part of the Bethesda photography lab's equipment. LCDR DeLaney agreed to do so.

7. Correspondence Files for the Various NNMC Bethesda Departments. Both CDR Norman and LCDR DeLaney explained that there is, and was, no central correspondence file for all of NNMC Bethesda--that each directorate, rather, maintained (and still maintains) its own separate correspondence files (e.g., JAG, Laboratories, C.O. of Medical School, C.O. of Hospital, etc.). For this reason, they said, there is no central archivist, or records administrator, for NNMC Bethesda. They further explained that the normal retention of such files is for only 3 years, and that individual officers usually either destroyed their personal ("soft") working files when they transferred out of a given command, or took subject files with them to their next command. ARRB staff members Haron and Horne requested that NNMC Bethesda determine whether *any* 1963-1964 records from the following Bethesda

LCDR Paul M. Delaney, JAGC, USN

April 21, 2017

Page 4

personnel (such as incoming or outgoing letters, memoranda, notes, or summary reports) had been retired to the Federal Records Center at Suitland, Maryland: RADM Galloway; CAPT Stover; CAPT Canada; Dr. Humes; Dr. Boswell; and Dr. Ebersole. CDR Norman and LCDR DeLaney jointly indicated that they had no idea, one way or another, whether any Bethesda records whatsoever from 1963 or 1964 had been retired to Suitland. Mr. Haron asked them to conduct a search to find out, and they agreed. If it is subsequently determined that any Bethesda records were retired to Suitland, all parties agreed to discuss further, at that time, which of these records might constitute an assassination-related record.

8. Open Records Related to the Assassination Transferred to NNMC Bethesda by ARRB.

As a courtesy, and to provide context for ARRB's questions and search requests, Mr. Horne provided NNMC Bethesda personnel with two sets of copies of the open-status JFK assassination-related records on enclosed Attachment A:

9. Bethesda NNMC's Final Declaration of Compliance. We appreciate your prompt submission of NNMC's Initial Statement of Compliance on January 1, 1997. Given our meeting and the additional matters we agreed NNMC would pursue, ARRB requests that NNMC's Final Declaration of Compliance account for all matters discussed, as well as any other follow-up matters that may ultimately be necessary.

Thank you for your cooperation, and please do not hesitate to contact Doug Horne or me in the event you have any questions.

Sincerely,

Ronald G. Haron
Senior Attorney

cc: CDR James B. Norman, JAGC, USN
Staff Judge Advocate
Bureau of Medicine and Surgery
2300 E Street, N.W.

LCDR Paul M. Delaney, JAGC, USN

April 21, 2017

Page 5

Washington, D.C. (202) 762-3092

Attachment A

- CAPT Stover-generated receipts for undeveloped autopsy photographs transferred to the U.S. Secret Service, dated 11/22/63;
- CDR Ebersole-generated receipts for developed autopsy x-ray film transferred to the U.S. Secret Service, dated 11/22/63;
- Signed autopsy protocol for President John F. Kennedy;
- Unsigned Autopsy Protocol and Supplemental Autopsy Report for President John F. Kennedy found by NNMC Bethesda circa 1992-1993 and subsequently transferred to NARA via BUMED;
- Signed Supplemental Autopsy Report for President John F. Kennedy;
- Autopsy Descriptive Sheet from autopsy on President John F. Kennedy;
- Handwritten holographic draft of autopsy protocol;
- Two certificates executed by Dr. James J. Humes, MC, USN, regarding disposition of autopsy documents, dated 11/24/63;
- FBI receipt for one missile received from Dr. Humes at autopsy of President Kennedy, dated 11/22/63;
- Dr. Humes' handwritten notes of telephone call with Dr. Perry of Parkland Hospital, dated 11/23/63;
- CAPT Stover 11/24/63 letter to RADM Galloway transmitting autopsy documents;
- RADM Galloway 11/24/63 letter endorsement of the above, readdressed to White House Physician;

LCDR Paul M. Delaney, JAGC, USN

April 21, 2017

Page 7

- RADM Galloway letter to White House Physician, dated 11/25/63, transmitting last remaining copy of Autopsy Protocol;
- “Letters of Silence” given to 15 autopsy participants by CAPT Stover, CAPT Canada, and RADM Galloway;
- Joint VADM Burkley/USSS Inventory and Receipt, dated April 26, 1965, for autopsy-related materials transferred to Evelyn Lincoln;
- USSS Chief Rowley’s transmittal letter, dated 10/02/67, transferring original Autopsy Protocol to National Archives;
- National Archives receipt, dated 10/03/67, for original Autopsy Protocol received from USSS Chief Rowley;
- Burke Marshall Deed-of-Gift letter to GSA Administrator, dated 10/29/66, transferring selected autopsy-related materials to National Archives;
- HSCA correspondence file with DOD/USN regarding the rescinding of the “Letters of Silence,” circa late 1977-early 1978.