

# MEMORANDUM

July 24, 1996

To: Jeremy Gunn, David Marwell, Tim Wray

cc: Joan Zimmerman, Joe Freeman

From: Doug Horne

Subject: Chain-of-Custody Discrepancy Re: Original Copy of President John F. Kennedy's Autopsy Protocol

Today while discussing various chain-of-custody documents related to the autopsy protocol of President Kennedy, Ms. Zimmerman and I simultaneously noticed an unexplained inconsistency among the official documents which record the transmission of this document from the U. S. Naval Medical School at Bethesda, where it originated the weekend of the assassination, and the National Archives, where it resides today. Attachments are cited in the text, as appropriate, for illustrative purposes.

Summarizing the findings of this memo, attachment 5 records that the original autopsy protocol was transferred from Dr. Burkley (and the Secret Service) to Mrs. Lincoln at the National Archives on April 26, 1965; attachment 8 records that the original autopsy protocol was transferred directly from James J. Rowley, Secret Service Chief, to Robert H. Bahmer, Archivist of the United States, on October 2, 1967. This unexplained inconsistency is best summarized in the following rhetorical question: How could the Secret Service transfer the original JFK autopsy protocol to the National Archives (or anyone else) on October 2, 1967, when they had previously relinquished custody of it on April 26, 1965?

---

Attachments 1 and 2 detail the transmission of the original autopsy report (which later became CE 387), and seven (7) copies, from the command authorities at Bethesda to Rear Admiral Burkley, USN, Physician to the President. Summarizing, the transmission went from CAPT Stover (C.O., U. S. Naval Medical School) to Rear Admiral Galloway (C. O., National Naval Medical Center) to Rear Admiral Burkley (Physician to the President). Attachment 3 reveals that Dr. Humes, while acting as courier for these materials, did not deliver the original and all seven copies as attachments 1 and 2 indicate, but instead (and for reasons unknown) delivered the original and six of the seven extant copies to RADM Burkley on Sunday evening, November 24, 1963. Attachment 4 reveals that the final of the seven copies of the protocol was sent to RADM Burkley by RADM Galloway the next morning, on November 25, 1963.

Attachment 5 transfers custody of the original autopsy protocol, all seven copies of it, and numerous other materials (autopsy photos, X-Rays, and biological materials from the autopsy) from VADM Burkley to the Kennedy family's representative, Mrs. Evelyn Lincoln, at the National Archives. [It should be noted here that although Mrs. Lincoln's office was in the Archives, she was accepting these materials on behalf of Robert Kennedy, just as Vice Admiral Burkley was transferring the materials at the direction of Robert Kennedy. In his memo to VADM Burkley directing the transfer, Robert Kennedy made clear that he was taking custody of these materials. The physical location of Mrs. Lincoln's office--the Archives--should not be confused with custody and control, which as of April 26, 1965, was relinquished by the Secret Service and Dr. Burkley to the Kennedy family.] Attachment 6 is proof that the contents of attachment 5 resulted from a thorough inventory witnessed by 5 persons; the accuracy of Dr. Burkley's inventory was confirmed by Mr. Bouck during his interview by ARRB on April 30, 1996. (Attachment 6 also forwards to Chief Rowley the RFK memo to Dr. Burkley which directs the transfer of various autopsy-related materials to Evelyn Lincoln, who would retain the materials for him and release them only in accordance with his instructions .)

Appendix B to attachment 7 (the Kennedy family Deed-of-Gift letter to the National Archives) transfers all items on attachment 5 to the National Archives effective October 29, 1966, except those listed in paragraph 1 (one broken casket handle) and paragraph 9 (key documents and key biological materials); the paragraph 9 materials on the Burkley inventory literally drop out of sight on October 31, 1966 when they are noticed to be missing and cannot be found by employees of the National Archives (see attachment 9).

Inexplicably, attachment 8 reveals that the Chief of the Secret Service, James J. Rowley, transferred the original autopsy protocol (which attachment 5 indicates his agency had previously relinquished on April 26, 1965) to the National Archives on October 2, 1967. Since there is no known evidence documenting transfer of the autopsy protocol from the Kennedy family back to the Secret Service prior to this event, it is accurate to say that with the state of the known record as of this date, there is *not* a continuous and unbroken chain-of-custody for the original autopsy protocol for President John F. Kennedy.

Attachment 9 (on page 2) reveals that this apparent chain-of-custody discrepancy was discussed during a February 13, 1969 meeting between officials from GSA, Secret Service, National Archives, and Department of Justice. One speculation reported by Secret Service Assistant Director Thomas Kelley, the author of attachment 9, was that the Burkley inventory was incorrect. Although it is a possible explanation, this seems unlikely, in view of attachment 6 (the Bouck inventory memo), and Mr. Bouck's assurances to the ARRB of a careful and exacting inventory during his April 30, 1996 interview.

Inextricably related to the unknown fate (or uncertain chain-of-custody) of the original autopsy report mentioned in paragraph 9 of attachment 5 is the whereabouts of the missing paragraph 9 biological

materials and other missing documents, including:

- 1 plastic box: 9 ea 6.5" X 1" paraffin blocks of tissue sections
- 1 plastic box: tissue sections plus 35 slides
- 1 box of 84 slides
- 1 stainless steel container 7" in diameter X 8" containing gross material
- 3 wooden boxes, each 7" X 3.5" X 1.25", containing 58 slides of blood smears taken at various times during life
- Memo from LT Madonia to James K. Fox dated November 29, 1963 concerning receipt of certain films and prints and the processing thereof (orig & 1 cc.)
- Memo from James K. Fox to SAIC Bouck dated November 29, 1963 concerning the processing of film in the presence of LT (jg) V. Madonia, USN (orig. & 2 cc.)

The HSCA, on pages 31-33 of HSCA Volume 7, concluded that circumstantial evidence tends to show that "...Robert Kennedy either destroyed these materials or otherwise rendered them inaccessible ." Given Robert Kennedy's control of the paragraph 9 materials from April 26, 1965 until October 29, 1966, and the HSCA's reasonable conclusion that RFK either disposed of or rendered inaccessible the paragraph 9 biological materials (and assuming that the Burkley inventory was correct), it would seem reasonable to wonder whether RFK decided at some point subsequent to the Deed-of-Gift process that the original autopsy report (which, along with all other paragraph 9 materials, was not included in the Deed-of-Gift) should be placed in the Archives. If this is what happened, belatedly handing over the document directly from the Kennedy family (or its agent, Burke Marshall) to the Archives may have resulted in unwanted questions about other missing paragraph 9 materials. However, having the original autopsy protocol submitted to the Archives from a third party (such as Secret Service Chief Rowley) might have been seen by RFK as a strategy which would likely avoid immediate follow-on questions about other missing paragraph 9 materials. This reasonable hypothesis is testable, in that the ARRB can request from the Secret Service any and all documents pertaining to how Chief Rowley came to possess the original autopsy report transmitted to the Archives by attachment 8 on October 2, 1967.

**Possibilities and implications:** If records exist which indicate that RFK returned the original autopsy protocol to Chief Rowley prior to October 2, 1967, then the autopsy protocol in the Archives today is almost certainly the same document signed by Drs. Humes, Boswell and Finck on November 24, 1963. If, however, there is no evidence that Robert Kennedy returned the original autopsy protocol to the Secret Service, or that the Burkley inventory was incorrect, then the pedigree and integrity of the document in the Archives today will unavoidably remain in question. Since the original autopsy

protocol now in the Archives appears to match, in all respects, CE 387 (which was published in the Warren Report in September, 1964), it seems highly likely that Robert Kennedy simply passed the document back to Chief Rowley for transmission to the Archives. If, however, the document transmitted by Chief Rowley to the Archives on October 2, 1967 is verified to have been continuously in the possession of the Secret Service, then the Burkley inventory (attachment 5) may constitute de facto evidence of another (earlier?) version of the autopsy protocol which was destroyed or rendered inaccessible along with other "paragraph 9" materials.

**Recommendation:** ARRB staff should request of the Secret Service an accounting of how Secret Service Chief James J. Rowley came to be in possession of the original autopsy protocol on October 2, 1967, since his agency had previously transferred it out of Secret Service custody on April 26, 1965.