

MEMORANDUM

July 24, 2017

TO: Review Board

FROM: David G. Marwell

SUBJECT: Possible Subpoenas of Jerrol Custer and Edward Reed

1. Jerrol Custer and Edward Reed were the two Navy enlisted x-ray technicians at President Kennedy's autopsy. (The consulting Navy radiologist at the autopsy, John Ebersole, is deceased.) Neither the Warren Commission nor the HSCA interviewed Mr. Custer; an interview summary report of an HSCA interview with Mr. Reed in 1978 was released in 1993 as a result of the JFK Act, but fails to address important questions, and raised other questions which remain unresolved. Because questions exist about the x-ray record of the autopsy, and because both of these men have been uncooperative with our attempts to interview them, issuing subpoenas to them is likely the only way to obtain their cooperation in clarifying the x-ray record of the President's autopsy.

2. Questions about the x-ray record of the autopsy (and accompanying background) can be briefly summarized as follows:

- A. **How many *series* of x-rays, and how many *total* x-rays, were taken of President Kennedy's head wounds? If any cranial x-rays taken at the autopsy are not now present in the Archives, which views are now missing?** (Both Dr. Ebersole and Jerrol Custer have told researchers that two series of head x-rays were taken, and that there were 5 or 6 total cranial x-rays taken at autopsy; however, only 3 cranial x-rays are in the Archives. Furthermore, Custer has stated in interviews that he remembers taking a tangential/oblique x-ray of a wound in the posterior skull, and no such x-ray is in the Archives. This matter should be addressed under oath with *both* technicians who were present.)
- B. **Were the 3 existing x-rays of loose skull fragments taken on Friday night, November 22, 1963, at the autopsy (with the portable x-ray machine used in the morgue), or were they taken subsequent to the conclusion of the autopsy, on Saturday, November 23, 1963, with a higher-quality x-ray machine upstairs in the x-ray department at Bethesda? If not taken at the autopsy, what were the circumstances under which they were taken?** (An HSCA forensic pathology panel member, and an independent researcher who is a radiologist, both of whom have

viewed the original x-rays, are of the opinion that these 3 x-rays were taken with a high-quality laboratory x-ray machine, and not a portable x-ray machine. Whereas there are now 14 total x-rays of President Kennedy in the Archives, the two FBI agents present at the autopsy wrote in their report that only 11 were taken the night of the autopsy. Pen-and-ink changes to the receipt for x-rays dated November 22, 1963 changed the total from 11 to 14, but it is unclear when the pen-and-ink changes were executed, or when the 3 additional x-rays were taken, or what the subject matter of these three additional x-rays was. Mr. Custer has stated to researchers that he was asked to x-ray bone fragments after the conclusion of the autopsy on Saturday, November 23, 1963; he could be asked under oath whether this is true, and if so, to explain all of the circumstances surrounding the taking of these post-autopsy x-rays.)

- C. **Are all x-rays of the body of President Kennedy taken at the autopsy present now in the Archives? If not, which views are not present?** (Custer has told a researcher that lateral x-rays of the body were taken--namely, of the thoracic spine, and of the lumbar spine, yet there are no lateral body x-rays in the Archives.)
- D. **Does the appearance of the cranial x-rays in the Archives match the appearance of the cranium at autopsy?** (In 1978, both Dr. Ebersole [in sworn testimony] and Ed Reed [in an unsworn telephone interview] told HSCA staff that the wound in President Kennedy's skull was in the occipital region--i.e., the back of the head--yet the lateral x-rays do not appear to show bone missing in that region. Custer, who has repeatedly told researchers the same thing, has never been interviewed by any government body. In separate ARRB depositions, Drs. Humes and Boswell disagreed over whether any occipital bone was missing. Custer and Reed, like Ebersole, could be asked about this under oath; the x-ray technicians positioned the x-ray film under the skull and positioned and operated the portable x-ray equipment, and can therefore be expected to provide expert testimony about damage they observed in the President's cranium during the performance of their professional duties. This same type of authentication question--regarding autopsy photographs--was pursued by the ARRB with the autopsy prosecutors and photographers during their depositions.)
- E. **Was a bullet, or a substantial portion of a bullet, observed at autopsy?** (Navy Captain Osborne [Chief of Surgery at Bethesda in 1963] told HSCA staff, and Jerrol Custer has told researchers, that a substantially whole bullet was seen and handled at the autopsy by the prosecutors; additionally, the two FBI agents at the autopsy executed a receipt for "a missile removed by Commander James J. Humes, MC, USN, on this date," dated November 22, 1963. In opposition, in both the autopsy report and in

subsequent testimony, the prosecutors have denied that a whole bullet was found in the President's body, and have repeatedly said that only two tiny fragments, mere millimeters in size, were removed from the cranium. Captain Osborne is now deceased, but this issue could be addressed by Mr. Custer under oath.)

3. Neither Custer nor Reed has cooperated with the Review Board staff in our attempts to set up initial assessment interviews by telephone. Summaries of our attempts to enlist their assistance follow:

A. Jerrol Custer:

- (1) ARRB letter of March 5, 1996 asked Mr. Custer to call us at a time of his convenience. He did not.
- (2) ARRB staff called Mr. Custer on April 17, 1996; following an emotional statement in which he declined to cooperate, he terminated the telephone call.
- (3) ARRB sent another letter on June 14, 1996 explaining how important his observations were to our attempts to clarify the record.
- (4) A second call from the ARRB staff on February 6, 1997 resulted in Mr. Custer once again terminating the phone call after refusing to submit to an interview.
- (5) Summary: Mr. Custer has submitted to at least 13 telephonic interviews and two filmed interviews with researchers, yet he refuses to be interviewed by Review Board staff.

B. Ed Reed:

- (1) ARRB's staff investigator contacted Mr. Reed's wife on April 5, 1996 and confirmed that her husband was indeed one of the x-ray technicians present at the President's autopsy, and explained the Review Board's mission. He told her we would be contacting her husband in the near future.
- (2) ARRB letter of April 12, 1996 asked Mr. Reed to call us at a time of his convenience. He did not.
- (3) ARRB staff left a recorded message with Mr. Reed's answering machine on

February 6, 1997 asking him to please call us collect prior to close-of-business on February 11, 1997. He has not called at any time subsequently.

- (4) Summary: We have been very patient with Mr. Reed. Whereas he does not exhibit overt hostility like Mr. Custer, he has chosen to avoid us completely and will not answer his telephone.

4. The ARRB has diligently attempted to clarify the record in regard to questions about photography at the President's autopsy. I believe we should be no less diligent in our attempts to clarify questions regarding the autopsy x-rays. Since the memories of the prosecutors were quite vague in regard to matters involving x-rays, our best, and only, eyewitnesses in this regard are the two surviving Navy x-ray technicians.

5. In view of the lack of cooperation received from Mr. Custer and Mr. Reed, I recommend the Board consider issuing subpoenas so that they can be deposed. (Both men live in Pennsylvania; transportation costs to Washington to view the autopsy materials would be minimal.)