

April 4, 2017

VIA FACSIMILE AND FIRST-CLASS MAIL

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:

I would like to thank you, Commander Jeanne Rushin, MC, USN, of the Laboratory Department, and Commander James Norman, JAGC, USN, Director of Medico-Legal Affairs for the Bureau of Medicine and Surgery, 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 NNMC will 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. We began the meeting by asking NNMC to elaborate upon its searches for records, as described in NNMC's Initial Statement of Compliance (Ser 00J/4698, dated January 1, 1997). The searches we reviewed were: (1) that of Captain Evelina Yunan, MC, USN, in late 1993, 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); (2) Commander Jeanne Rushin's October-November 1993 search of all NNMC Laboratory Department files, in which she could locate no materials related to President Kennedy's autopsy; (3) the Bethesda-wide search initiated by Commander Norman, 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 (4) the most recent Bethesda-wide search, ordered by Rear Admiral Ridenour (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. We requested that NNMC assemble for its Final Declaration of Compliance all internal tasking memoranda, e-mail correspondence, and internal letter correspondence regarding direction to conduct searches, as well as all responses received from internal divisions, departments and individuals. In addition, as part of this information package, ARRB requested NNMC provide a current organization chart, as well as the names, ranks, and organizational codes of individuals who conducted, or were responsible for, searches.

2. Freedom of Information Act Files. We requested that NNMC locate for transmission to the ARRB, and possible inclusion in the JFK Collection, all extant files related to FOIA requests for autopsy or other assassination-related records.

3. Laboratory Directorate Records Searches. CDR Rushin, Head, Special Procedures, Laboratory Department, provided us with a detailed description of the searches conducted within NNMC Bethesda's Laboratory Department. The oldest autopsy reports now on file at NNMC are from 1966, and the oldest paraffin blocks/tissue slides/and associated paper records now on file at NNMC are from 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 materials (e.g., paraffin blocks, tissue slides, and associated paperwork) after CDR Norman's Bethesda-wide tasking in February, 1996, and again following NNMC's receipt of ARRB's December 6, 1996 Compliance Letter, and therefore felt she could state with a high degree of certainty that there were no such materials to be found at NNMC. 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 in 1963. CDR Norman and LCDR DeLaney stated that multiple searches, in February and December 1996, failed to uncover any photographs, from 1963 or immediate subsequent years, 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. We asked you 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. You agreed to do so.

7. 1963-64 Files for Various NNMC Bethesda Commands and Key Officials. You

explained that there is, and was, no central correspondence file for NNMC Bethesda--rather, that each Directorate has always maintained its own correspondence files (e.g., JAG, Laboratories, C.O. of Medical School, C.O. of Hospital, etc.). Thus, there is no central archivist, or records administrator, for NNMC Bethesda. You explained that the normal retention of files for a Directorate, or for the Commanding Officers of the Medical School, or Bethesda Naval Hospital, is for 3 years, and that individual officers usually either destroy their personal working (or "soft") files when they transfer out of a given command, or take the files with them. Please determine whether there are still in existence *any* 1963-1964 records such as incoming or outgoing letters, memoranda, notes or summary reports from the following Bethesda personnel or their offices: the NNMC Commander, RADM Galloway; the Hospital's Commanding Officer, CAPT Canada; the Medical School's Commanding Officer, CAPT Stover; autopsy prosecutors CDR Humes and CDR Boswell; and autopsy radiologist CDR Ebersole. You indicated that you had no idea, one way or another, whether any Bethesda records whatsoever from 1963 or 1964 had been retired to Suitland, but agreed to find out. It is important that you definitively determine whether any such Bethesda records have been retired to the Federal Records Center at Suitland or any other storage facility. 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. Requested Search of Audio-Visual Department Records. Subsequent to our meeting, the ARRB interviewed an individual who, in 1963, was a Navy E-6 Corpsman stationed at the NNMC Bethesda Medical School whose professional duties involved the drafting of medical correspondence courses for Reservists. On November 22, 1963 he stood duty as Medical School Chief of the Day, and 3 or 4 days after the autopsy on President Kennedy, he stated he was shown various film products depicting portions of President Kennedy's autopsy by LCDR William Bruce Pitzer, NNMC's Director of Audio-Visual Services, in LCDR Pitzer's office. The photographic images apparently contained explicit depictions of wounds to the President, and based on his descriptions, are not in the collection of autopsy photographs held today in the National Archives; the formats were: (1) 16 mm B & W movie film; (2) 35 mm color slides; and (3) B & W photographic prints, approximately 3" X 5" in size. We request that you conduct a specific (and perhaps additional) search of Audio-Visual Department records for these items, including determining whether any such records have been transferred to the Federal Records Center at Suitland.

9. 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 copies of the NNMC and autopsy-related records

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currently available in the JFK Collection. A list of these transmitted documents is provided with this letter as Attachment A.

10. 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. In addition, the Final Declaration of Compliance will need to be executed under oath in the form prescribed under 28 U.S.C. § 1746.

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
Director of Medico-Legal Affairs
Bureau of Medicine and Surgery
2300 E Street, N.W.
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;

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- 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.