

November 10, 1997

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:

Thank you for submitting the Final Declaration of Compliance for the National Naval Medical Center in Bethesda, Maryland ("NNMC") (dated June 27, 1997), which sets forth NNMC's final, sworn statement regarding its compliance with the President John F. Kennedy Assassination Records Collection Act of 1992 ("JFK Act").

We have reviewed NNMC's Final Declaration of Compliance and have concluded that NNMC's work under the JFK Act is, for the most part, complete. It is our understanding that NNMC has identified and transmitted to the JFK Assassination Records Collection ("JFK Collection") an original, but unsigned, copy of the JFK autopsy report prepared by Commander Humes (*see* RIF No. 174-10002-10000) and that NNMC located no other assassination records. NNMC did forward to the Review Board some documents relating to FOIA requests for JFK autopsy records, but those documents need not be formally designated as assassination records. They will become public with release of NNMC's Final Declaration of Compliance.

We request that you more adequately confirm whether or not NNMC has custody or control of any 1963-64 files for certain high-level NNMC officials involved in the autopsy of President Kennedy. Given the public's particular interest in records relating to President Kennedy's autopsy, we believe it is important that NNMC's Final Declaration more adequately explain the absence of 1963-64 files for these NNMC officials.

In our February 27, 1997 letter to you, we requested that you determine "whether there are still in existence *any* 1963-64 records . . ." for the top NNMC officials at the time of the assassination,

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including Rear Admiral Galloway, Commander of NNMC; Captain Canada, the Hospital's Commanding Officer; Captian Stover, the Medical School's Commanding Officer; and Commanders Humes and Boswell, who performed the autopsy. We specifically asked you to "definitively determine whether any such . . . records" of top NNMC officials "have been retired to the Federal Records Center at Suitland or *any other storage facility.*" See Feb. 27, 1997 Letter from R. Haron to P. Delaney (emphasis added). While your Final Declaration states that it has been "confirmed" that no such records remain, the underlying documentation for your conclusion is, in our opinion, insufficient. Your conclusion is based on an e-mail of the Associate Director for Administrative Services, which states that no JFK records were located in a "hospital-wide search" and that "[a]pparently, NNMC sends NO RECORDS to the Suitland Federal Records Center." In addition, the Associate Director states that "I don't know" if the Suitland Records Center was contacted regarding such records. See NNMC's Final Decl., Attachment B (italics added).

Accordingly, please have an appropriate NNMC official submit a supplemental declaration, based upon personal knowledge and executed under penalty of perjury under 28 U.S.C. § 1746, stating whether or not any discrete 1963-64 files of certain top level NNMC officials (previously identified in our February 27, 1997 letter) are in the custody or control of NNMC, including whether any such records have been transferred to the Federal Records Center at Suitland, Maryland or to any other storage facility, and stating the basis for that determination. In the event any such files are located, please advise us. We request that you submit the supplemental declaration on this limited, but important, matter by December 15, 1997.

Finally, we do not currently anticipate conducting a compliance deposition of NNMC. We also do not anticipate requesting any additional record searches by NNMC. However, the Review Board might request that NNMC conduct further record searches if we acquire specific information suggesting that NNMC should have additional records relating to the autopsy of President Kennedy. Should NNMC at any time locate additional records relating to the autopsy or assassination, please transmit those records to the Chief of the JFK Assassinations Records Collection ("JFK Collection") at the National Archives and Records Administration ("NARA") in College Park, Maryland

Please contact me if you have any further questions, and thank you again for your

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cooperation in meeting the requirements of the Review Board's compliance program under the JFK Act.

Sincerely,

T. Jeremy Gunn

Executive Director

cc: Steven D. Tilley, Chief, JFK Assassination Records Collection,  
NARA