

February 19, 1997

HAND-DELIVERED

The Honorable Frank W. Hunger
Assistant Attorney General for the Civil Division
United States Department of Justice
10th and Constitution Avenue, N.W., Room 3143
Washington, D.C. 20530

Re: Assassination Records Review Board Subpoena Request No. 10 (Herbert Miller)

Dear Mr. Assistant Attorney General:

The Assassination Records Review Board requests that the Department of Justice issue a subpoena duces tecum to:

Mr. Herbert J. Miller
2555 M Street, N.W. Suite 500
Washington, D.C. 20037

Mr. Miller is reported to have documents in his possession that relate to the assassination of President Kennedy. We would like to subpoena any such documents and schedule Mr. Miller's deposition for March 10, 1997, at the offices of the Assassination Records Review Board.

Please do not hesitate to contact me if I may be of any further assistance.

Sincerely,

T. Jeremy Gunn
General Counsel

Enclosure

cc: Art Goldberg, Esq.

SUBPOENA DUCES TECUM
FOR THE PRODUCTION OF DOCUMENTS
AND APPEARANCE FOR TESTIMONY
BEFORE THE ASSASSINATION RECORDS REVIEW BOARD

TO: Herbert J. Miller
2555 M Street, N.W. Suite 500
Washington, D.C. 20037

YOU ARE HEREBY REQUIRED AND DIRECTED, PURSUANT TO 44 U.S.C. § 2107, TO APPEAR BEFORE:

T. Jeremy Gunn, General Counsel of the Assassination Records Review Board, at the offices of the Assassination Records Review Board, 600 E Street, N.W., Second Floor, Washington, D.C., on the 10th day of March, 1997 at 10:00 a.m., and at the same time each day thereafter until completed, *or at such other time and place to which the parties shall mutually agree*, to testify under oath regarding any information or records in your possession, custody, or control regarding the topics identified in Attachment A hereto.

YOU ARE HEREBY REQUIRED to bring with you, to produce and to make available for inspection and copying or reproduction at said time and place all books, records, correspondence, electronic recordings, photographs, motion pictures, and documents that are in your possession, custody, or control, and which are described in Attachment A hereto.

The production of documentary material in response to this subpoena must be made under a sworn certificate, in the form set forth, by the person to whom this subpoena is directed.

Inquiries concerning compliance with this subpoena should be directed to T. Jeremy Gunn, General Counsel, Assassination Records Review Board, 600 E Street, N.W., 2nd Floor, Washington, D.C. 20530 (202) 724-0088.

ISSUED AT _____

THIS _____ DAY OF _____, 199_____

By: _____

FRANK W. HUNGER
Assistant Attorney General

ATTACHMENT A

DEFINITIONS AND INSTRUCTIONS

1. “You” means Mr. Herbert J. Miller, any of your agents, representatives, partners, or any other person who may have possession, custody or control of your papers that are identified in this subpoena.
2. “And” and “or” and the use of the singular or plural of any noun should be understood in the broadest reasonable sense and should be construed inclusively in favor of producing the largest number of records.
3. “Document” should be understood broadly, as reflected in Rule 34(a), Fed. R. Civ. P., to include, without limitation, records, handwritten notes, memoranda, drawings, photographs, tape recordings, motion pictures, and correspondence. *However, you are not required to bring with you any commercially published documents (including books, articles, videotapes, or audiotapes) that might otherwise be called for by this subpoena.*
4. “JFK Act” means the *President John F. Kennedy Assassination Records Collection Act of 1992*, 44 U.S.C. § 2107 (Supp. V 1994).
5. “Employment” means work while you were an employee of the Federal government *or* any work that you performed for the Federal government including any work as a private attorney (for which you may or may not have been compensated).
6. To the extent that it is impossible to comply with any of these requests, you should comply fully with all remaining requests and be prepared to explain the reasons why you cannot comply with any request.
7. To the extent that you are unable to make available one or more documents that would otherwise be responsive to this subpoena, provide a list that identifies (for each document that is not produced): (a) the date of the document; (b) the author; (c) the general subject matter of the document; and (d) the reason why you are unable to make the document available.

PAPERS, DOCUMENTS, AND RECORDS

YOU ARE HEREBY REQUIRED to bring all documents in your possession, custody, or control, that pertain in any way to:

1. the assassination of President John F. Kennedy;
2. any investigation of the assassination of President Kennedy (or any investigation of Jack Ruby or Sam Giancana) that was conducted at any time between November 22, 1963 and December 31, 1965, including, without limitation, any investigation instigated by or on behalf of Robert F. Kennedy or the Warren Commission);
3. communications between Attorney General Robert F. Kennedy and Walter Sheridan at any time during 1963 and 1964;
4. the investigation conducted by former New Orleans District Attorney Jim Garrison into the assassination of President John F. Kennedy;
5. Gordon Dwane (or Duane) Novel;
6. Salvatore Giancana (aka Sam Giancana, Momo Giancana) that you acquired during or pursuant to your employment with the Federal government;
7. James Riddle Hoffa that you acquired during or pursuant to your employment with the Federal government;
8. investigations of organized crime, the International Brotherhood of Teamsters, labor racketeering, or the Mafia that you acquired during or pursuant to your employment with the Federal government; and
9. records that were in the possession or custody of, or on deposit with, the John F. Kennedy Presidential Library at any time, but which were delivered to you or your agent after the enactment of the JFK Act on or about October 26, 1992.