

July 8, 1997

VIA HAND DELIVERY

Mr. Art Goldberg
Federal Programs Branch
Civil Division
United States Department of Justice
Tenth Street and Pennsylvania Ave., N.W.
Washington, D.C. 20530

Re: Assassination Records Review Board Subpoena Request Nos. 11, 12 and 13
(Mrs. Stella M. Mohr; Richard J. Mohr; Joseph Henry Scott) Under the JFK Assassination
Records Collection Act, 44 U.S.C. § 2107

Dear Mr. Goldberg:

This letter responds to your request for further information to justify the issuance of three subpoenas intended to obtain any documents relevant to President Kennedy's assassination that may have been in the custody of the late John P. Mohr, former Assistant FBI Director under Hoover.

At the outset, let me state that the Assassination Records Review Board wishes to cooperate with the Department of Justice and will provide whatever information necessary to facilitate issuance of these subpoenas. However, the Review Board does not view this as a legal requirement for issuing, under the JFK Act, subpoenas by or on behalf of the Review Board.

The Review Board deems it imperative that that the requested subpoenas be issued to ascertain whether John P. Mohr retained any records relating to the Kennedy assassination. The justifications for issuing the subpoenas include the following:

1. A subpoena is not being directed solely, or arbitrarily, at John Mohr. Rather, the Review Board is attempting to determine whether the highest ranking FBI officials at the time of the assassination, including but not limited to Mr. Mohr, have retained any FBI or other records that relate to the assassination, Lee Harvey Oswald, or the FBI's investigation. Given that the FBI had primary responsibility for investigating the Kennedy assassination, the Review Board considers it to be of paramount importance to account for the files of the

highest ranking FBI officials at the time of the assassination. In the 1960's, it was not an uncommon practice of high-level officials in the Government to take working papers with them.

2. With the death of Mr. Mohr earlier this year, the Review Board has been deprived of the opportunity to interview Mr. Mohr and to determine informally whether he retained any relevant records.

3. Prior to preparing the subpoenas, the Review Board contacted Mr. Mohr's son, Dr. Richard Mohr, to inquire informally as to the existence of any relevant records that John Mohr may have retained. The Review Board believes that Dr. Mohr's general representations do not provide an adequate accounting of whether or not John Mohr had any papers relevant to the assassination.

4. As Assistant Director, Mr. Mohr was one of the highest-ranking officials at the FBI at the time of the assassination. At that time, Mr. Mohr reported directly to Director J. Edgar Hoover and Associate Director Clyde Tolson.

5. Following Director Hoover's death in 1972, John Mohr was reportedly involved in the removal of certain Hoover files from the FBI to the home of Mr. Hoover and in the subsequent disposition of those files. It is unclear to us precisely which files were destroyed and which, if any, were retained, but it is our understanding that Mr. Mohr had direct access to the removed files of Mr. Hoover's.

6. Mr. Mohr participated in an inventory of Hoover's home for tax purposes in July 1972 and, thus, Mr. Mohr reasonably would have had access to any working papers of Mr. Hoover or any other records that might identify or describe any such papers.

7. Mr. Mohr also was given the power of attorney for Clyde Tolson and became the executor of Clyde Tolson's estate. We believe that Mr. Mohr thus would have had access to any records of Mr. Tolson that were removed from the FBI or any records that might describe such papers. The FBI has confirmed that the Bureau's 1963-64 chronological file for Mr. Tolson was destroyed and no longer exists. It would therefore be important to determine whether Mr. Mohr acquired custody of any FBI records removed by Mr. Tolson.

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

Sincerely,

T. Jeremy Gunn
General Counsel

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