

MEMORANDUM

August 8, 1997

To: The File

cc: T. Jeremy Gunn
Herbert J. Miller

From: Kevin G. Tiernan

Re: Interview of Herbert J. Miller, Jr.

On August 7, 1997, Jeremy Gunn and I interviewed Herbert J. ("Jack") Miller, Jr., who was the Assistant Attorney General for the Criminal Division of the Department of Justice from February of 1961 until approximately April of 1965. Miller was accompanied by his lawyer, Nicki Kuckes, a member of the firm Miller, Cassidy, LaRocca & Lewin (where Mr. Miller is a name partner). Mr. Miller's appearance was voluntary, although he had previously been served with a subpoena duces tecum. Prior to the interview, Mr. Miller's office provided records in response to prior document requests, and some of those records were discussed in the interview. The interview was not conducted under oath. The interview was tape recorded, and the tape recording stands as the definitive record of the interview. The documents referenced in the tape recorded interview are attached hereto.

The following are some of the principal points discussed during the interview:

As the Assistant A.G., Mr. Miller was ultimately responsible for most criminal matters that fall within the jurisdiction of the Justice Department -- including prosecutions for organized crime. There are some limited, but important matters -- such as tax and internal security -- that did not fall under his area of responsibility.

On November 24, 1963, Deputy Attorney General Nicolas deB. Katzenbach instructed him to travel to Dallas following the shooting of Lee Harvey Oswald and to provide assistance to federal, state, and local law enforcement officials investigating the assassination of President John F. Kennedy. He

provided us with copies of his notes and summary on his trip to Dallas, which were identified by "Bates" numbers HJM 0001 through HJM 0056. He confirmed that he was the originator of both the handwritten notes and the typewritten summary of the Dallas trip. Mr. Miller read several passages from his handwritten notes into the record.

Mr. Miller also discussed his tenure as Assistant A.G. for the Criminal division, his encounters with members of the Kennedy administration, the structure of the Justice Department under R.F.K., his encounters with members of the Warren Commission and staff, and his relationship with Walter Sheridan.

Mr. Miller was unable to provide any significant additional information on the documents produced under the heading CI-4 (Joe McConnon) identified by "Bates" numbers HJM 1194 through HJM 1242. Mr. Miller believes that these documents likely were provided to him by Walter Sheridan, but he could not identify CI-4, Joe McConnon, or "José," the name that appears as the signatory to the letters. Mr. Miller could not verify the existence of other "CI's" in DOJ files.

Mr. Miller was unable to provide any additional information on the Arthur James Balletti, et al, *Unauthorized Publication or Use of Communications* (FBI Hq # 139-1201 and DOJ # 82-46) case. He recollected that Balletti, *et al.*, were not prosecuted for a wiretap violation because there was no evidence that one of two essential elements of the crime -- a "distribution" -- had taken place. He stated emphatically that the Department of Justice's (and the FBI's) investigation and prosecution of Sam Giancana and other criminals was never compromised either because of the collusion between the CIA and organized crime, or because of any pressures put upon the Department of Justice by anyone in the Kennedy Administration.

Although Mr. Miller did not have specific recollections, he did believe that the Department of Justice pursued every reasonable lead that it could related to the assassination of President Kennedy. He was unaware of any separate investigation conducted on behalf of or at the behest of Robert F. Kennedy. He is sure that he did not participate in any such investigation, and he has no reason to believe that either Daniel Patrick Moynihan nor Walter Sheridan participated in such an inquiry. Mr. Miller was, however, vaguely familiar with the name Julius Draznin, although he had no reason to believe that he was a source for any additional inquiry.

Mr. Miller agreed to receive questions regarding his representation of Walter Sheridan and Angela Novello after his tenure as the A.A.G. for the Criminal Division to be reviewed and answered later.

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