

January 16, 1996

VIA HAND DELIVERY

The Honorable Frank W. Hunger
Assistant Attorney General for the
Civil Division
United States Department of Justice
Tenth Street and Pennsylvania Ave., N.W.
Washington, D.C. 20530

Re: Subpoena Request No. 9 (Frank Ragano) and Accompanying Request of the
Assassination Records Review Board to Confer Immunity Upon Mr. Ragano
In Exchange for His Sworn Testimony Under the JFK Assassination Records Collection Act,
44 U.S.C. § 2107

Dear Mr. Hunger:

Pursuant to the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107, ("JFK Act"), the Assassinations Records Review Board ("Review Board") respectfully requests the Department of Justice to issue a *subpoena duces tecum* for the testimony and records of Mr. Frank Ragano, for February __, 1997, at the Review Board offices in Washington, D.C. Mr. Ragano has informed us that he is available to testify on that date. A draft subpoena including Mr. Ragano's address is enclosed.

The Review Board seeks to obtain immunity for Mr. Ragano's testimony related to the Kennedy assassination. Accordingly, the Review Board also requests, pursuant to Section 7(j)(1)(C)(ii) of the JFK Act and 18 U.S.C. §§ 6001, 6002 and 6004, that the Department of Justice approval the granting of immunity to Mr. Ragano both for his testimony and for his production of documents for issues related to the assassination of President Kennedy. Mr. Ragano's social security number is 265-14-8229 and his date of birth is January 25, 1923.

Mr. Ragano has informed us orally that although he is fully prepared to cooperate with the subpoena, he will do so only if provided immunity. The apparent reason for Mr. Ragano's unwillingness to testify without immunity pertains to the fact that he is a retired lawyer who formerly represented some persons involved in organized crime. He is the author, with Selwyn Raab of *The New York Times*, of a book entitled *Mob Lawyer*, which suggests that organized crime was involved in the assassination

Mr. Frank W. Hunger
January 16, 1997
Page 2

of President Kennedy. Mr. Ragano at one time provided legal representation for Santo Trafficante, who has been alleged, by Mr. Ragano and others, to have had involvement in the assassination of President Kennedy. I am attaching some excerpts from the book relating to the assassination. Although the Review Board does not advance any particular theory regarding President Kennedy's assassination, including Mr. Ragano's, there has been speculation over the years that organized crime may have been involved. Therefore, a sworn deposition of Mr. Ragano will, we believe, advance the public interest in disclosing any pertinent information in the possession of Mr. Ragano on President Kennedy's assassination. The deposition would also allow the Review Board to authenticate certain notes of Mr. Ragano that he claims corroborates the assertions in his book.

We have been in contact with the Criminal Division of the Justice Department regarding the issuing of the subpoena and our request for immunity for Mr. Ragano. By sending this letter to you, we are acting in accordance with our understanding of the procedures that the Criminal Division requests that we follow. We have discussed with them the implications of issuing a subpoena to a former attorney and of compelling testimony regarding matters that may be covered under the attorney-client or work product privileges. With respect to this issue, let me suggest the following. First, the conversations about the assassination that are mentioned in the book and which interest us do not appear to have been made in the course of seeking legal advice. Second, to the extent the pre-assassination conversations were made in the course of legal representation, they arguably fall within the future crimes exception to the privilege. Finally, the substance of the communications regarding the assassination are already published in Mr. Ragano's book.

A copy of this letter and the enclosures are being forwarded to Edgar Brown, Chief of the Witness Immunity Section, Criminal Division, in order to obtain the appropriate concurring approval from the Assistant Attorney General for the Criminal Division. *See* 28 C.F.R. § 0.175 (c).

If you or the Criminal Division require any further information in considering this request, please do not hesitate to contact me.

Sincerely,

T. Jeremy Gunn
General Counsel

Mr. Frank W. Hunger
January 16, 1997
Page 3

Enclosure

cc: Edgar Brown
Chief, Witness Immunity Section
Criminal Division (w/enclosure)

bcc: Kathleen N. Coleman (w/enclosure)

Mr. Frank W. Hunger
January 16, 1997
Page 4

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

TO: Frank Ragano
1126 Shipwatch Circle
Tampa, Florida 33602

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 600 E Street, N.W., 2d Floor, in Washington, D.C., on February __, 1997 at 10:00 a.m., and at the same time each day thereafter until complete, or at such other time and place to which the parties shall mutually agree, to testify under oath regarding records relating to assassination of President John F. Kennedy.

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 or, if not a natural person, by a person or persons having knowledge of the facts and circumstances relating to such production.

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 _____

Mr. Frank W. Hunger
January 16, 1997
Page 5

THIS _____ DAY OF _____, 199_____

By: _____

FRANK W. HUNGER
Assistant Attorney General

Mr. Frank W. Hunger
January 16, 1997
Page 6

ATTACHMENT A

YOU ARE HEREBY REQUIRED to bring all documents or other records in your possession, custody or control, including memoranda, correspondence, notes, drawings, photographs, tape recordings, and films, that relate to, reflect, or consist of the following:

1. Your most recent resume.
2. The "some three hundred pages of notes" that you "had compiled about the most important events of [your] career and . . . personal life" and which were provided to Selwyn Raab in 1992. *See Mob Lawyer*, at 4.
3. Your original "notes," including those referenced by Mr. Raab in *Mob Lawyer*, "of meetings and conversations with clients" and which "bolstered [Mr. Ragano's] recollections of numerous discussions with Santo Trafficante and other Mafiosi and with Hoffa and his coterie," including but not limited to notes that refer to or relate to the assassination of President Kennedy. *See Mob Lawyer*, at 5.
4. Any notes or other records that relate to the interview that Mr. Robert Blakey conducted with you in 1992. *See Mob Lawyer*, at 4-5.
5. Any of your prior testimony, affidavits, declarations, interviews or other statements, including any transcripts or tapes thereof, to the extent that they refer to or relate to, even in part, the assassination of President Kennedy. This shall include copies of any taped interviews that Mr. Ragano has given to the press or anyone else.
6. Any other notes or records that relate in any way to the assassination of President Kennedy. You are NOT required to bring with you any commercially published books, articles, videotapes, or audiotapes (or commercially available research materials) related to the assassination of President John F. Kennedy.