

June 4, 1997

BY FACSIMILE

Nicki Kuckes, Esq.
Miller, Cassidy, Larroca & Lewin
2555 M Street, N.W.
Washington, D.C. 20037-6400

Re: Subpoena Duces Tecum to Herbert J. Miller

Dear Ms. Kuckes:

I am writing in response to your letters dated May 23 and June 3, which were written in response to my May 16, 1997 letter to Herbert J. Miller, which included a subpoena duces tecum to him.

I appreciate the fact that your more recent letter does not raise any questions regarding anyone's "good faith" in handling matters related to our requests for documents. It certainly had not occurred to me that your reputable firm would do anything other than comply fully with the obligations that it had undertaken. Similarly, I hope that you understand that our agency is authorized to issue subpoenas and that all of our staff have undergone full background investigations and have been cleared for handling Top Secret government information. It is our practice to keep all restricted material in our SCIF (Security Classified Information Facility.) In light of this, I must say that it had struck me as peculiar that employees of Miller, Cassidy, who -- as far as I am aware -- have not been cleared for the handling of restricted government records, were not only handling such material, but were making determinations regarding who should see it as well as deciding how, by whom, and to whom it would be delivered. (It is not our practice to send restricted government material by anyone other than authorized couriers or to deliver it to anyone other than authorized recipients.) It appears that those decisions contributed, at least in part, to my agency's not receiving in a timely manner the material that it is authorized by law to receive.

Although I have not yet received confirmation that DOJ has in fact received the material that you apparently sent by messenger, I trust that I will receive such confirmation shortly. Accordingly, I see no current need for Mr. Miller to appear on June 5. However, we nevertheless continue in our wish to speak with Mr. Miller and to receive an affidavit by persons with knowledge that the

Nicki Kuckes, Esq.

June 4, 1997

Page 2

production is complete. To the extent that Mr. Miller is willing to cooperate and to have a candid discussion with us regarding Criminal Division records and his own work on issues that we perceive to be related to the assassination of President Kennedy, we would be more than willing to have such a conversation in lieu of a deposition under oath. Please let me know of some dates that would be acceptable to Mr. Miller

Please do not hesitate to contact me if you have any questions.

Sincerely,

T. Jeremy Gunn

General Counsel and

Associate Director for Research and Analysis

cc: John C. Keeney, Esq.
Acting Assistant Attorney General
Criminal Division

Carlotta P. Wells, Esq.
Civil Division