

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 Miller

XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX XXXXX

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

Please do not hesitate to contact either me or our General Counsel, T. Jeremy Gunn, if we may be of any assistance.

Sincerely,

David G. Marwell  
Executive Director

cc: Art Goldberg, Esq.

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

TO: Herbert Miller  
XXXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXXX XXXXX

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 xxth day of March, 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 and the disposition of records identified in Attachment A hereto 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 \_\_\_\_\_

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 199\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
FRANK W. HUNGER

Assistant Attorney General

ATTACHMENT A  
DEFINITIONS

1. "You" should be understood to mean Mr. Herbert Miller, any agent or representative of Mr. Miller, or any person who may have possession, custody or control of those papers of Mr. Miller that are identified in this subpoena.
2. "And" and "or" 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.
4. "JFK Act" should be understood to mean the *President John F. Kennedy Assassination Records Collection Act of 1992*, 44 U.S.C. § 2107 (Supp. V 1994).

PAPERS, DOCUMENTS, AND RECORDS

YOU ARE HEREBY REQUIRED to bring all papers, documents, and records now in your possession, custody, or control, including, without limitation, handwritten notes, memoranda, drawings, photographs, tape recordings, motion pictures, and correspondence that

XX

XX

*(to what extent should we include "records that Walter Sheridan may have had in his possession, custody, or control during any portion of his life) and that:*

1. relate to the assassination of President John F. Kennedy;
2. relate to any investigation of the assassination of President Kennedy (or to Jack Ruby or to Sam Giancana) that was conducted at any time between November 22, 1963 and February 28, 1964;
3. were in the possession or custody of, or on deposit with, the John F. Kennedy Presidential Library at any time, but which were returned to you or your agent after the enactment of the JFK Act on October 26, 1992;
4. pertain to communications between the John F. Kennedy Presidential Library and you, your agent, Walter Sheridan, or his agent after the enactment of the JFK Act on October 26, 1992, regarding the return or disposition of any records to you or Walter Sheridan;

5. pertain to former New Orleans District Attorney Jim Garrison's investigation into the assassination of President John F. Kennedy;
6. **pertain to communications between Attorney General Robert F. Kennedy and Walter Sheridan at any time during 1963 and 1964;**
7. relate to Sam Giancana; or
8. **were created by, sent to, or came into the possession of Walter Sheridan at any time that he was an employee of the Federal government and that pertain to organized crime or labor racketeering.**

To the extent that it is impossible to comply with one or more of these eight requests it is expected that you will comply fully with all remaining requests and that you will be prepared to provide an explanation of all reasons for which you could not comply with any outstanding request.

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.