

February 24, 1998

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: Assassination Records Review Board Subpoena Request No. 18  
(Sixth Floor Museum, Dallas, Texas) Under the JFK Assassination Records Collection Act,  
44 U.S.C. § 2107

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Dear Mr. Assistant Attorney General:

Pursuant to the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107, ("JFK Act") and Rule 30(b)(6) of the Federal Rules of Civil Procedure, the Assassinations Records Review Board ("Review Board") requests that the Department of Justice issue a subpoena duces tecum to:

The Sixth Floor Museum  
411 Elm Street, Suite 120  
Dallas, Texas 75202-3301

The Sixth Floor Museum in Dallas, Texas ("the Museum") is a non-profit organization under the auspices of the Dallas County Historical Foundation, and it has a substantial archive collection relating to the assassination of President Kennedy.

The Review Board seeks to issue this deposition and document subpoena to ascertain whether the Sixth Floor Museum has original assassination records of sufficient importance as to merit placement in the JFK Assassination Records Collection ("JFK Collection") at the National Archives and Records Administration ("NARA"). To the extent the Museum has such unique, original records, we may seek to have them included in the JFK Collection.

We believe that the Museum has custody of *the originals* of at least one body of highly critical records, namely Parkland Hospital records relating to the treatment of President Kennedy and Governor Connally on the day of the assassination, as well as medical treatment and autopsy records for Lee Harvey Oswald and Jack Ruby. *See* Excerpt of Museum's 1997 Inventory which identifies records donated to the Museum by Parkland Hospital (Attachment B to the subpoena). Numerous Parkland Hospital records were specifically considered by the Warren Commission, and we have confirmed that NARA, in fact, does not have the originals.<sup>1</sup> Through this subpoena, we are attempting to conclusively establish which, if any, of these original records are in the custody of the Museum.

Informal discussions with Parkland Hospital and the Museum were unsuccessful. We previously had discussions with Parkland Hospital to secure, for the JFK Collection, their original medical records relating to the Kennedy assassination. They assured us that the records would be provided to the Review Board for inclusion in the JFK Collection, but subsequently we learned that the records were turned over to the Sixth Floor Museum. We then endeavored to work with the Sixth Floor Museum in identifying the Parkland medical records, as well as other important assassination records, in their custody. We sought a complete and up-to-date inventory of their archive holdings. We have not yet been given a comprehensive inventory, nor were the Parkland Hospital records made available for our inspection [Note: Can we make this latter point? Did we ask to see these records?]

Accordingly, the Review Board believes that the only way to ascertain whether the Sixth Floor Museum has important, original records relating to the assassination, including medical records from Parkland Hospital, is through issuance of this Rule 30(b)(6) deposition and document subpoena.

We seek to subpoena the records identified in Attachment A and to schedule the Rule 30(b)(6)

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<sup>1</sup> For example, the original x-rays of Governor Connally were considered by the Warren Commission (*see* W.C. Hearings Vol IV, at 105-107, 119), but the originals are not at NARA. The Warren Commission also considered the statements of physicians who treated President Kennedy and Governor Connally, and the originals were apparently retained by Parkland Hospital (*see* W.C. Hearings Vol. VI, at 148-152; CE 392); NARA does not have the originals (except for one report). The Warren Commission also considered the statements of other Parkland Hospital personnel concerning the treatment of President Kennedy and Governor Connally. *See* Exs. 2-35 to the Deposition of Charles J. Price, Administrator for Parkland Memorial Hospital. These appear to be the very records donated by parkland hospital to the Museum. *See* Attachment B to the subpoena (identifying "Statements of Activities by Parkland Doctors" and "Statements of Activities by Parkland Staff" among the donated records). The Warren Commission also considered the Oswald and Tippit autopsy reports of Parkland Hospital (*see* C.R. 305 and C.R. 87, respectively), and the originals of those are not at NARA.

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deposition of an officer or other designee of the Sixth Floor Museum at the offices of the United States Attorney at 1100 Commerce Street, Suite 300, Dallas, Texas 75242, on March 24, 1998.

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

Sincerely,

T. Jeremy Gunn  
Executive Director

Enclosure

cc: Art Goldberg, Esq.  
(Via Hand Delivery)

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

TO: The Sixth Floor Museum  
411 Elm Street, Suite 120  
Dallas, Texas 75202-3301

YOU ARE HEREBY REQUIRED AND DIRECTED, PURSUANT TO 44 U.S.C. § 2107 AND RULE 30(b)(6) FED. R. CIV. P., TO APPEAR BEFORE:

T. Jeremy Gunn, Executive Director and General Counsel of the Assassination Records Review Board, at the offices of the United States Attorney at 1100 Commerce Street, Suite 300, Dallas, Texas, 75242, on March 24, 1998 at 9:00 a.m., and at the same time each day thereafter, until the taking of testimony is complete, or at such other mutually agreeable time and place, to testify under oath regarding information or records in the possession, custody, or control of the Sixth Floor Museum and that relate to the assassination of President Kennedy, including the records identified in Attachment A hereto.

Pursuant to Rule 30(b)(6), Fed. R. Civ. P., the Museum is requested to designate an officer, director, managing agent, or other person to testify on the Museum's behalf regarding certain "matters known or reasonably available to" the Museum, including the following subjects:

- (1) Inventories, indices and other records that will identify and describe all its holdings relating to the Kennedy assassination;
- (2) the acquisition and legal ownership of the Museum's holdings relating to the Kennedy assassination, including particularly the records donated by Parkland Hospital;
- (3) any communications with Parkland Hospital regarding records that relate to the assassination of President Kennedy;
- (4) the procedures for maintaining and preserving original paper records, as well as photographs, motion pictures, videos, and audio recordings, relating to the assassination;

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(5) the rules and practices with respect to public access to the Museum's holdings relating to the Kennedy assassination; and

(6) the identification of any *original records* of the Museum that were made available to the Warren Commission, the Church Committee, or the House Select Committee on Assassinations; and

(7) the identification of any original or unique records or artifacts relating to the assassination that are not available elsewhere.

YOU ARE HEREBY REQUIRED to produce and to make available for inspection and copying or reproduction at said time and place books, records, correspondence, notes, diaries, electronic recordings, photographs, motion pictures, documents, or other objects that are in the possession, custody, or control of the Sixth Floor Museum, and which are described in Attachment A hereto.

The production of documentary material in response to this subpoena must be made by a designee of the Sixth Floor Museum under a sworn certificate. Accordingly, please review and execute the attached Certificate of Compliance to verify that the Sixth Floor Museum has complied with the subpoena.

Inquiries concerning compliance with this subpoena should be directed to: T. Jeremy Gunn, Executive Director and General Counsel, Assassination Records Review Board, 600 E Street, N.W., 2nd Floor, Washington, D.C. 20530, (202) 724-0088; (FAX) (202) 724-0457.

ISSUED AT \_\_\_\_\_

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1998

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

FRANK W. HUNGER  
Assistant Attorney General

## ATTACHMENT A

### A. PRELIMINARY STATEMENT

The Review Board is issuing this subpoena to obtain the sworn testimony of the appropriately designated officer of the Sixth Floor Museum with respect to the identity and existence of records relating to President Kennedy's assassination that are held in the archival collection of the Sixth Floor Museum. The subpoena seeks to have the requested records made available for inspection by the Review Board so as to assist the Review Board in determining whether the originals or copies of any records should be obtained for the JFK Assassination Records Collection ("JFK Collection") at the National Archives and Records Administration in College Park, Maryland. The subpoena of the records specified herein does not necessarily mean that the Review Board will seek to have the original records (or copies thereof) placed in the JFK Collection.

### B. DEFINITIONS AND INSTRUCTIONS

1. The "Museum" or "you" refers to the Sixth Floor Museum in Dallas, Texas, including all officers, officials, employees, and agents of the Museum that may have possession, custody or control of the records identified in this subpoena.
2. "Records in the Museum's possession, custody, or control" refers to records (to the extent requested in the subpoena) that are in the physical custody of the Museum, or records to which the Museum has control or legal custody or access.
2. "And" and "or" and the use of the singular or plural of any noun should be understood in the broadest reasonable sense and should be construed inclusively as requesting the largest number of records.
3. "Document" or "record" should be understood broadly, as reflected in Rule 34(a), Fed. R. Civ. P., to include, without limitation, records, diaries, calendars, handwritten notes, memoranda, drawings, photographs, audio recordings, motion pictures, and correspondence. It also includes any tangible objects or artifacts. *However, you are not required to bring with you any commercially published documents (including books, articles, videotapes, or audiotapes) that might otherwise be called for by this subpoena.*
4. To the extent that you do not comply with any particular request, you should comply with all remaining requests and be prepared to explain the basis for not complying with the particular request.

5. To the extent that you do not produce one or more records that are otherwise responsive to this subpoena, please identify (for each document that is not produced): (a) the date of the document; (b) the author; © the general subject matter of the document; and (d) the reason why you are unable to make the document available.

C. PAPERS, DOCUMENTS, AND RECORDS REQUESTED

YOU ARE HEREBY REQUIRED to bring all documents or other records in your possession, custody or control, including memoranda, correspondence, notes, drawings, photographs, audio recordings, and films, that discuss, refer to, relate to, reflect, or consist of the following (subject to the limitations above):

1. All inventories, indices, and other records that identify the records and tangible objects or artifacts in the Museum's possession, custody or control, as well as any detailed indices or inventories of specific donations that relate to the assassination of President Kennedy;
2. Any original and duplicate copies of records from Parkland Hospital, including records relating to the medical treatment or autopsy of President John F. Kennedy, former Texas Governor John Connally, Lee Harvey Oswald, Jack Ruby, and J.D. Tippit.
3. The 8mm Dorman home movie of the Kennedy Presidential motorcade in Dallas on the day of the assassination.
4. The original of any records or tangible objects made available to, or considered by, the Warren Commission, the Church Committee, or the House Select Committee on Assassinations.
5. Any record or artifact relating to the assassination of President Kennedy that can reasonably be determined to be unavailable anywhere except the Museum; and
6. With respect to the items specified in Request Nos. 2 to 5, also produce: (a) all documents that relate to the acquisition of these records by the Museum, including any contracts, deeds of gift, and communications with the donor; (b) all documents that relate to legal title to these records; © all documents that relate to the availability of these records to the public, including any restrictions on public access; and (d) all detailed indices or descriptions of these records.

**CERTIFICATE OF COMPLIANCE**

I/We hereby certify that a diligent search for the records called for by the subpoena issued pursuant to 44 U.S.C. § 2107 has been made, and that all such records in the possession, custody, or control of the Sixth Floor Museum has been produced and made available at the time, place and manner specified. A list identifying all of the records produced is attached.

Any records otherwise responsive to this subpoena which has been withheld from production under a claim of privilege or for any other reason has been identified herein by (1) the type of document; (2) the general subject matter of the document; (3) the date of the document; (4) the privilege claimed; (5) such other information as is sufficient or necessary to identify the document, including, where appropriate, the author of the document, the addressee of the document and, where not apparent, the relationship of the author and addressee to each other.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Sworn to before me this  
\_\_\_ day of \_\_\_\_\_, 1998

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

