

August 18, 1997

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 Nos. 15 and 16
(Jerrol F. Custer and Edward F. Reed, Jr.) Under the JFK Assassination Records Collection
Act, 44 U.S.C. § 2107

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"), the Assassinations Records Review Board ("Review Board") requests that the Department of Justice issue subpoenas duces tecum to:

Mr. Jerroll F. Custer
9920 Saltsburg Road
Pittsburgh, Pennsylvania 15239

Edward F. Reed, Jr.
54 Blake Avenue
Rockledge, Pennsylvania 19046

Messrs. Custer and Reed were employed by the U.S. Navy as x-ray technicians in November 1963. Both were involved in the autopsy of President Kennedy, and we believe they may possess important information with respect to the creation and identity of x-ray records relating to the autopsy of President Kennedy.

Both individuals have thus far refused to talk with the Review Board after repeated attempts by the

Review Board staff to interview them regarding the Kennedy autopsy.

We seek to subpoena the documents listed in Attachment A and schedule the depositions of Mr. Custer and Mr. Reed for October 22, 1997 at the National Archives and Records Administration ("NARA") in College Park, Maryland, where the Kennedy autopsy x-rays and photographs are located. We recognize that this would require Mr. Custer to travel over 200 miles from Pittsburgh and Mr. Custer to travel over 100 miles from the Philadelphia area; this is required in view of the fact that the autopsy records, which would be needed for the examinations, are located at NARA and cannot be removed. Nonetheless, the Review Board could, if necessary, conduct the depositions where the witnesses reside.

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

Sincerely,

T. Jeremy Gunn
General Counsel

Enclosure

cc: Art Goldberg, Esq.

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

TO: Jerrol F. Custer
9920 Saltsburg Road
Pittsburgh, Pennsylvania 15339

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 National Archives and Records Administration, Sixth Floor, 8601 Adelphi Road, College Park, Maryland 20740-6001 on October 22, 1997 at 10:00 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 any information or records in your possession, custody, or control regarding the topics identified in Attachment A hereto.

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, notes, diaries, 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 by you under a sworn certificate. Accordingly, please review and execute the attached Certificate of Compliance to verify that you have complied with the subpoena.

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; (FAX) (202) 724-0457.

ISSUED AT _____

THIS _____ DAY OF _____, 1997

By: _____

FRANK W. HUNGER

Assistant Attorney General

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

TO: Edward F. Reed, Jr.
54 Blake Avenue
Rockledge, Pennsylvania 19046

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 National Archives and Records Administration, Sixth Floor, 8601 Adelphi Road, College Park, Maryland 20740-6001 on October 22, 1997 at 2:00 p.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 any information or records in your possession, custody, or control regarding the topics identified in Attachment A hereto.

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, notes, diaries, 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 by you under a sworn certificate. Accordingly, please review and execute the attached Certificate of Compliance to verify that you have complied with the subpoena.

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; (FAX) (202) 724-0457.

ISSUED AT _____

THIS _____ DAY OF _____, 1997

By: _____

FRANK W. HUNGER
Assistant Attorney General

ATTACHMENT A
(Reed)

A. PRELIMINARY STATEMENT

The Review Board is issuing this subpoena to obtain the sworn testimony of Mr. Reed with respect to his knowledge of the events relating to the assassination and subsequent autopsy of President Kennedy, including any records created in connection with the autopsy such as x-ray records.

B. DEFINITIONS AND INSTRUCTIONS

1. "You" (or "your") refers to Mr. Edward F. Reed, Jr., or any representative of Mr. Reed that may have possession, custody or control of the papers identified in this subpoena.
2. "Records in your possession, custody, or control" refers to records (to the extent requested in the subpoena) that are in your personal possession, or records to which you have 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, tape recordings, motion pictures, and correspondence. *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 documents 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; (c) 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, tape recordings, and films, that discuss, refer to, relate to, reflect, or consist of the following (subject to the limitations above):

1. Any records relating to the assassination or autopsy of President John F. Kennedy.
2. Any records that document or relate to the chain of custody of records, artifacts, or evidence related to the assassination or autopsy of President John F. Kennedy.
3. Any records, including notes, drafts or other working papers, relating to any interviews or statements you have provided regarding the assassination or autopsy of President Kennedy, including your interview with the House Select Committee on Assassinations in 1978.
4. All correspondence between you and any other person relating to the assassination or autopsy of President Kennedy.
5. Any notes, diaries, or other documents you created that discuss or relate to, in whole or part, the assassination or autopsy of President Kennedy.

CERTIFICATE OF COMPLIANCE

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

Any documentary material 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 _____, 1997

Notary Public

My commission expires: _____

ATTACHMENT A
(Custer)

A. PRELIMINARY STATEMENT

The Review Board is issuing this subpoena to obtain the sworn testimony of Mr. Custer with respect to his knowledge of the events relating to the assassination and subsequent autopsy of President Kennedy, including any records created in connection with the autopsy such as x-ray records.

B. DEFINITIONS AND INSTRUCTIONS

1. "You" (or "your") refers to Mr. Jerrol F. Custer, or any representative of Mr. Custer, that may have possession, custody or control of the papers identified in this subpoena.
2. "Records in your possession, custody, or control" refers to records (to the extent requested in the subpoena) that are in your personal possession, or records to which you have 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, tape recordings, motion pictures, and correspondence. *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 documents 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; (c) 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, tape recordings, and films, that discuss, refer to, relate to, reflect, or consist of the following (subject to the limitations above):

1. Any records relating to the assassination or autopsy of President John F. Kennedy.
2. Any records that document or relate to the chain of custody of records, artifacts, or evidence related to the assassination or autopsy of President John F. Kennedy.
3. Any records, including notes, drafts or other working papers, relating to any interviews or statements you have provided regarding the assassination or autopsy of President Kennedy.
4. All correspondence between you and any other person relating to the assassination or autopsy of President Kennedy.
5. Any notes, diaries, or other documents you created that discuss or relate to, in whole or part, the assassination or autopsy of President Kennedy.

CERTIFICATE OF COMPLIANCE

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

Any documentary material 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 _____, 1997

Notary Public

My commission expires: _____