

VIA REGISTERED, RETURN RECEIPT U.S. MAIL

September 26, 1997

Mr. Jerrol F. Custer
9920 Saltsburg Road
Pittsburgh, Pennsylvania 15339

Dear Mr. Custer:

As you can see, enclosed with this letter is a Federal Subpoena to appear and testify before the Assassination Records Review Board regarding your knowledge of events related to the autopsy conducted on President Kennedy on November 22-23, 1963.

We regret that it appears a subpoena is necessary, but we have been most courteous and patient with you on this matter, and yet were strongly rebuffed on two occasions. It is important that you understand this is not an adversarial proceeding in any way, but is a fact-finding exercise that is an attempt to clarify and complete the record of the President's autopsy, to the best of our ability, and to place a formal record of your recollections in the JFK Collection in the National Archives following the deposition.

The deposition will be conducted at the new Archives II facility in College Park, Maryland, and will involve viewing the original autopsy materials (i.e., photographs and x-rays). The deposition will be conducted in a discreet setting, in a small conference room with only a court reporter, about 3 members of the Review Board staff who are well acquainted with the medical evidence and issues in the case, and the JFK Collection archivist, present. Following the deposition, we will mail you the deposition transcript so that you will have an opportunity to review it for errors, and make corrections, before a final, corrected version is printed.

The Review Board staff is aware of numerous conflicts in the record of the President's autopsy, and for that reason we have already deposed the three autopsy pathologists (Drs. Humes, Boswell and Finck), Mr. Stringer, Mr. Riebe, and retired FBI agents Sibert and O'Neill, who were also present as official observers. Crucial to our role as a neutral, unbiased body whose primary function is to locate and clarify records, is a need to better complete the record of the autopsy by attempting to resolve questions regarding the x-ray records of the autopsy in the National Archives. Clearly, your cooperation is essential to our ability to complete that task. I cannot over-emphasize the importance

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of obtaining your cooperation and your best recollections for the historical record.

No matter how unpleasant recalling the events of November 22-23, 1963 may be for any individual, numerous others have done their duty and come forward and provided their best recollections, under oath, for the Review Board, and we therefore expect that you will understand this requirement, and comply. I might add that for any person involved in the events of November 22-23, 1963 who may feel he was improperly, or inadvertently, ignored by past government bodies involved in studying the assassination, this is a unique opportunity to get one's best personal recollections and observations, stated under oath, on record for posterity. The Review Board has no association with past investigations into the assassination, and no agenda to uphold or refute any previous findings; and while we are not empowered to reinvestigate the assassination of President Kennedy, and will therefore not produce a report containing findings of fact or conclusions, we do have a serious responsibility to collect records, and to clarify the record where possible; it is this sober responsibility which we expect you will appreciate as you prepare to attend this deposition. I might add that the permanent record of your sworn testimony which we will leave in the JFK Collection in the National Archives will be a chance for you to make a final, definitive statement of your recollections and observations---more enduring than any other statement you may have made, by any other means, to any individual in the past. The records we leave in the Archives regarding the autopsy will be permanently available to all of the American people, who will be free to come to their own conclusions.

Please call Mr. Doug Horne of our staff, collect, at (202) 724-0088, sometime between September 30 and October 6, inclusive, so that we can arrange transportation for you at our expense. If the proposed date of October 22, 1997 is inconvenient for you, we would like to discuss with you an alternate date that is acceptable to both you and the Review Board. [The dates of depositions as printed in subpoenas are amenable to reasonable changes: for example, any other date the week of October 20-24, 1997 is acceptable if October 22 is an inconvenient day for you.] We look forward to hearing from you soon.

Sincerely,

T. Jeremy Gunn
General Counsel

Enclosure

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