

February 25, 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

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 a subpoena duces tecum to:

The Sixth Floor Museum
c/o Dallas County Historical Foundation
411 Elm Street, Suite 120
Dallas, Texas 75202-3301

It is our understanding that The Sixth Floor Museum was "organized" by the private, non-profit entity named the "Dallas County Historical Foundation." The Sixth Floor Museum is located in the former Texas School Book Depository. The Sixth Floor Museum operates exhibits that are open to the public and it contains an archive that is to some extent accessible on special request. The Foundation describes itself as working "in cooperation with Dallas county government."

The subpoena essentially requests two types of records: first, comprehensive inventories and documentation of Sixth Floor holdings, and second, originals and copies of certain core records, including the medical and autopsy records of John F. Kennedy, John Connally, Lee Harvey Oswald, J.D. Tippit, and Jack Ruby, and a motion picture film taken in Dealy Plaza shortly before the

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assassination. Through this subpoena, we are attempting to ascertain, in part, whether the Sixth Floor Museum possesses records that “were made available for use by . . . the Commission to Investigate the Assassination of President John F. Kennedy (the ‘Warren Commission’)” JFK Act, § 3(2).

With respect to the inventories, the Review Board requested (more than one year ago) that the Sixth Floor Museum send a comprehensive list of its holdings. Although the Sixth Floor Museum has repeatedly promised to provide a comprehensive list, it has thus far failed to do so. It has provided only what it admits to be a partial and incomplete inventory.

With respect to its holdings, the Review Board has reason to doubt the good faith and the credibility of the Sixth Floor Museum. Without going into the particular grounds of our concerns, we can state that it has taken actions that we perceive to be unprofessional at best and possibly duplicitous. Accordingly, the subpoena must be issued so that the Review Board can assure the American public that it has taken all reasonable steps to inquire into the records held by the Sixth Floor Museum and to ensure that the National Archives has originals or copies of those records that should properly reside at its facility.

We do have reason to believe that the Sixth Floor may possess original and important medical records that were made available to the Warren Commission. According to the Sixth Floor Museum’s web page:

The [Sixth Floor Museum’s] collection contains original medical records related to the treatment of President Kennedy, Lee Harvey Oswald, and Jack Ruby at Parkland Hospital. This collection also includes records [of] the autopsy report for Officer J.D. Tippit.

Many of these records were held, until recently, by Parkland Memorial Hospital in Dallas. Two years ago I personally visited Parkland Hospital and examined the records. At that time, the hospital agreed in principal to donate the records to the National Archives and observed that the Archives was the “proper” location for them. We do not know the circumstances of how the Sixth Floor Museum came into possession of these records. We have confirmed that NARA, in fact, does not have the originals of the subpoenaed records.¹

¹ 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

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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 are likely to be the same records as those described by the Museum's inventory as "Statements of Activities by Parkland Doctors" and "Statements of Activities by Parkland Staff." 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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Accordingly, the Review Board believes that the only conscientious way to ascertain whether the Sixth Floor Museum in fact possesses original records relating to the assassination, including medical records from Parkland Hospital, is through issuance of this subpoena duces tecum.

We seek to subpoena the records identified in Attachment A and to schedule a Rule 30(b)(6) deposition of an officer or other designee of the Sixth Floor Museum, to be held 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 and General Counsel

Enclosure

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