



FYI

Assassination Records Review Board
600 E Street NW • 2nd Floor • Washington, DC 20530
(202) 724-0088 • Fax: (202) 724-0457

VIA REGISTERED, RETURN RECEIPT U.S. MAIL

September 29, 1997

Mr. Jerrol F. Custer
[REDACTED]

Dear Mr. Custer:

I am enclosing a Federal Subpoena for you 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. Although the date currently scheduled for your appearance is October 22, 1997, we would be happy to arrange another date (or time) that would be more convenient for you. Once we confirm the date and time, we will be pleased to send you transportation tickets and a *per diem* witness fee.

We regret that it appears a subpoena is necessary, but unfortunately we have been unsuccessful thus far in our efforts to discuss these matters with you. It is important that you understand this is not an adversarial proceeding, but is a fact-finding exercise that attempts to clarify and complete the record regarding the President's autopsy. Our role generally is to be a neutral, unbiased body whose primary function is to locate and release records relating to the assassination. One of our objectives is to complete the record of the autopsy by attempting to resolve questions regarding the X-ray records of the autopsy in the National Archives.

We trust that you, like the many other observers at the autopsy who already have testified, will cooperate with our attempt to clarify as much as is possible about the events of November 22-23, 1963. Some of our prior witnesses had not been allowed to testify before the Warren Commission or the House Select Committee, and they have thanked us for giving them the opportunity for their recollections to become part of the official record.

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, and some members of the Review Board staff who are well acquainted with the medical evidence and issues in the case.

BOARD MEMBERS: John R. Tunheim, Chair • Henry F. Graff • Kermit L. Hall • William L. Joyce • Anna Melog
EXECUTIVE DIRECTOR: David G. Marwell

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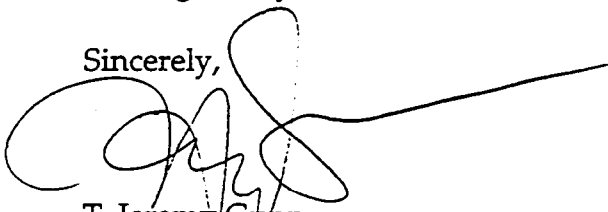
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Although you are fully entitled to bring an attorney with you, no witness thus far has chosen to do so. After the deposition, we will mail to you the draft transcript so that you will have an opportunity to review it for errors and make corrections before the final version is printed.

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 for your transportation and to confirm that the date is as convenient for you as possible. We look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Gunn', with a long horizontal line extending to the right.

T. Jeremy Gunn
General Counsel

Enclosure

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U. S. Department of Justice

Civil Division

Washington, D.C. 20530

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

TO: Jerrol F. Custer
[REDACTED]

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 the 22nd day of October at 10:00 a.m., or at such other mutually agreeable time and place, and at the same time each day thereafter until the taking of testimony is complete, 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, electronic recordings, photographs, motion pictures and documents that are in your possession, custody, or control and which are described in Exhibit A attached hereto.

The production of documentary material in response to this subpoena must be made 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 of the Assassination Records Review Board, 600 E Street, N.W., Washington, D.C., 20530, (202) 724-0088; (FAX) (202) 724-0457.

ISSUED AT Washington, D.C.

THIS 8th DAY OF September, 1997

By: Frank W. Hinger
FRANK W. HINGER
Assistant Attorney General

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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.

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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.

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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: _____

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