

March 11, 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. 19
(Lawrence Schiller) 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:

Mr. Lawrence Schiller
P.O. Box 56056
Sherman Oaks, CA 91413

Mr. Schiller assisted Norman Mailer in connection with the research and writing of *Oswald's Tale*, a book about Lee Harvey Oswald, including his residence in the Soviet Union from 1959 to 1962. In connection with research for the book, Messrs. Schiller and Mailer apparently obtained access to Soviet-era documents regarding Lee and Marina Oswald. These materials include documents relating to the KGB's surveillance of Lee Harvey Oswald while he lived in the Soviet Union.¹

¹ The jacket to Mr. Mailer's book states that the author "was given exclusive access to the KGB files on Oswald, including transcripts of conversations overheard in the [Minsk] apartment that Lee shared with his Russian wife, Marina." The book itself does not give any further information regarding the circumstances for obtaining these materials, nor does it provide any information as to the volume or identity of these files. However, the book purports to quote from KGB reports,

These documents are unquestionably of historical importance. They record Oswald's activities and conversations during his two-year stay in the Soviet Union and, as such, provide further insight into who Oswald was and what he did prior to the assassination of President Kennedy. These records were never seen by the Warren Commission, the Church Committee, or the House Select Committee on Assassinations. These records have never been seen by the public, although they are relied upon, and extensively quoted, in *Oswald's Tale*.

This subpoena is being sought as a last resort. Through the State Department, we have made diplomatic efforts to obtain these records from the Governments of Russia and Belarus, but have been unsuccessful to date. Unable to obtain the records from these Governments, we contacted Mr. Schiller to obtain copies of these records (it is our understanding that Mr. Schiller has the only copy of these records in the United States). Mr. Schiller declined to make these records available for our inspection and copying. Hence, we seek to issue this subpoena, which is limited to records of the former Soviet Union and does not seek copies of any work product of Messrs. Schiller or Mailer.

Obtaining copies of these records for public disclosure at the National Archives is clearly in the public interest. Accordingly, the subpoena seeks production of this material by Mr. Schiller so that it can be copied and made available to the public. The subpoena also seeks Mr. Schiller's testimony to authenticate the records as having been obtained from the Russian and Belarusian Governments. The date set for the production of these records, and for Mr. Schiller's appearance, is April 21, 1998 at the offices of the United States Attorney in Los Angeles, California.

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)

observations, chronologies, and transcripts.

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

TO: Mr. Lawrence Schiller
P.O. Box 56056
Sherman Oaks, CA 91413

YOU ARE HEREBY REQUIRED AND DIRECTED, PURSUANT TO 44 U.S.C. § 2107, 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 in Los Angeles located in the Old Federal Building, 300 N. Los Angeles Street, Suite 7516, Los Angeles, California 90012, on April 21, 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 your possession, custody, or control and that relate to the assassination of President Kennedy, including the records identified in Attachment A hereto.

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 Mr. Lawrence Schiller and which are described in Attachment A hereto.

The production of documentary material in response to this subpoena must be made by Mr. Schiller 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, 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 Mr. Schiller with respect to the identity and authenticity of records obtained from the Belarusian and Russian Governments, including KGB surveillance records of the former Soviet Union on Lee Harvey Oswald and Marina Oswald. The subpoena seeks to have the requested records made available for inspection and copying by the Review Board. The Review Board seeks to have copies of the requested records placed in the JFK Collection at the National Archives.

B. DEFINITIONS AND INSTRUCTIONS

1. "You" refers to Mr. Lawrence Schiller and includes all employees and agents of Mr. Schiller, or other individuals acting on his behalf, who may have possession, custody or control of the records 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 the physical custody of the Mr. Schiller, or records to which Mr. Schiller has control or legal custody or access.
3. "Soviet or KGB records" refers to all KGB or other records created by or on behalf of of the former Soviet Union, and any of its governmental or intelligence agencies, including, but not limited to, KGB reports, observations, chronologies, and transcripts relied upon, or quoted, in *Oswald's Tale*. "Soviet or KGB records" includes, without limitation, records that may have been obtained directly or indirectly from the Governments of Belarus or Russia.
4. "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.
5. "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.*
6. 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.

7. 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; (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, 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 or describe the Soviet or KGB records to which you or Norman Mailer had access.
2. All Soviet or KGB records relating to the assassination of President Kennedy, Lee Harvey Oswald, or Marina Oswald (maiden name Prusakova).
3. All English language translations of the Soviet or KGB records requested in item no. 2 above.
4. All documents relating to communications with the Belarusian or Russian Governments with respect to the Soviet or KGB records requested in item no. 2 above, including any communications regarding the authenticity of these Soviet or KGB 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 Mr. Schiller have 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 have been withheld from production under a claim of privilege or for any other reason have 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: _____

