

March 6, 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:

Lawrence Schiller

x
x
x

Mr. Schiller was a research assistant to Norman Mailer in connection with the *Oswald's Tale*, a book about Lee Harvey Oswald, including his two-year residence in the Soviet Union. In connection with research for the book, Messrs. Schiller and Mailer obtained Russian and Byelorussian Government 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.

These documents are unquestionably of historical importance. They constitute the only records that exist with respect to Oswald's 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. These records were never seen by

the Warren Commission, the Church Committee, or the House Select Committee on Assassinations.

This subpoena is being sought as a last resort. We have made diplomatic efforts with the Governments of Russia and Byelorussia to obtain these and other records. We and the State Department have been unable to obtain these records. Accordingly, Schiller and Mailer have the only copies of these records in the United States. We have attempted to obtain copies of these records from them, but they have refused to make these available. Hence, we request this subpoena, which is limited solely to Soviet Government records and does not seek copies of any work product of Messrs. Schiller or Mailer.

Obtaining these records for public disclosure in at the National Archives is clearly in the public interest. Accordingly, the subpoena seeks production of this material, as well as Mr. Schiller's testimony to authenticate the records, on April __, 1998 at the offices of the Review Board.

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)

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 at , Dallas, Texas, 75242, on March 24, 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 in the possession, custody, or control of the Sixth Floor Museum and that relate to the assassination of President Kennedy, including the records identified in Attachment A hereto.

Pursuant to Rule 30(b)(6), Fed. R. Civ. P., the Museum is requested to designate an officer, director, managing agent, or other person to testify on the Museum's behalf regarding certain "matters known or reasonably available to" the Museum, including the following subjects:

- (1) Inventories, indices and other records that will identify and describe all its holdings relating to the Kennedy assassination;
- (2) the acquisition and legal ownership of the Museum's holdings relating to the Kennedy assassination, including particularly the records donated by Parkland Hospital;
- (3) any communications with Parkland Hospital regarding records that relate to the assassination of President Kennedy;
- (4) the procedures for maintaining and preserving original paper records, as well as photographs, motion pictures, videos, and audio recordings, relating to the assassination;
- (5) the rules and practices with respect to public access to the Museum's holdings relating to the Kennedy assassination; and
- (6) the identification of any *original records* of the Museum that were made available to the Warren Commission, the Church Committee, or the House Select Committee on

Assassinations; and

(7) the identification of any original or unique records or artifacts relating to the assassination that are not available elsewhere.

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 the Sixth Floor Museum, and which are described in Attachment A hereto.

The production of documentary material in response to this subpoena must be made by a designee of the Sixth Floor Museum under a sworn certificate. Accordingly, please review and execute the attached Certificate of Compliance to verify that the Sixth Floor Museum has 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 the appropriately designated officer of the Sixth Floor Museum with respect to the identity and existence of records relating to President Kennedy's assassination that are held in the archival collection of the Sixth Floor Museum. The subpoena seeks to have the requested records made available for inspection by the Review Board so as to assist the Review Board in determining whether the originals or copies of any records should be obtained for the JFK Assassination Records Collection ("JFK Collection") at the National Archives and Records Administration in College Park, Maryland. The subpoena of the records specified herein does not necessarily mean that the Review Board will seek to have the original records (or copies thereof) placed in the JFK Collection.

B. DEFINITIONS AND INSTRUCTIONS

1. The "Museum" or "you" refers to the Sixth Floor Museum in Dallas, Texas, including all officers, officials, employees, and agents of the Museum that may have possession, custody or control of the records identified in this subpoena.
2. "Records in the Museum's possession, custody, or control" refers to records (to the extent requested in the subpoena) that are in the physical custody of the Museum, or records to which the Museum has control or 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, 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.*
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 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; © 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 the records and tangible objects or artifacts in the Museum's possession, custody or control, as well as any detailed indices or inventories of specific donations that relate to the assassination of President Kennedy;
2. Any original and duplicate copies of records from Parkland Hospital, including records relating to the medical treatment or autopsy of President John F. Kennedy, former Texas Governor John Connally, Lee Harvey Oswald, Jack Ruby, and J.D. Tippit.
3. The 8mm Dorman home movie of the Kennedy Presidential motorcade in Dallas on the day of the assassination.
4. The original of any records or tangible objects made available to, or considered by, the Warren Commission, the Church Committee, or the House Select Committee on Assassinations.
5. Any record or artifact relating to the assassination of President Kennedy that can reasonably be determined to be unavailable anywhere except the Museum; and
6. With respect to the items specified in Request Nos. 2 to 5, also produce: (a) all documents that relate to the acquisition of these records by the Museum, including any contracts, deeds of gift, and communications with the donor; (b) all documents that relate to legal title to these records; © all documents that relate to the availability of these records to the public, including any restrictions on public access; and (d) all detailed indices or descriptions of these 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 the Sixth Floor Museum has 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 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 _____, 1998

Notary Public

My commission expires: _____

