

MEMORANDUM

May 21, 1998

To: Leslie Batchelor, Esq.
Acting Special Assistant to the
Assistant Attorney General

From: T. Jeremy Gunn
Executive Director and General Counsel
Assassination Records Review Board

Subject: Oswald KGB Records and Subpoena to Lawrence Schiller

I am sending this memorandum in response to your request that I provide some additional background information regarding the KGB files on Lee Harvey Oswald that were created during his residency in the Soviet Union ("KGB files"). The original records are in the possession of the government of Belarus. As far as the Review Board is aware, the only copy of the KGB files is in the possession of Lawrence Schiller, who obtained them in the course of his work for Norman Mailer. It is the Review Board's belief that, given all information known to the Board, the only reasonably likely way that a copy of these important records can be obtained is by issuing a subpoena to Mr. Schiller. The Review Board's conclusion is based upon the following information:

1. The Review Board has attempted, unsuccessfully, to obtain the records from the Government of Belarus. Two Board members and the former Executive Director traveled to Belarus on October 29-30, 1996, and made a direct request to the government to obtain a copy of the files, but the request was denied. The State Department has advised, unofficially, that it believes that the only way that the records might be obtained from Belarus is by the offering of a very substantial sum of money (in the six figures).
2. The Review Board has been told by the Russian government, through the Department of State, that it does not have a copy of the KGB files.
3. The Review Board has now reviewed all of the files on the Kennedy assassination at the

following federal government offices: the FBI, CIA, NSA, Department of State, Department of Justice, Defense Intelligence Agency, U.S. Navy, Department of Defense, and other agencies. We have been unable to locate any copies of the KGB files.

4. The Review Board sent a letter to Norman Mailer, in care of his publisher, on January 5, 1998, requesting his assistance in obtaining a copy of the KGB files. No response was received. The Review Board thereupon sent two additional requests to Mr. Mailer at his personal addresses. No response was received to either letter.
5. In early 1997, the Review Board was advised, by a reliable source, that Mr. Schiller has a copy of the KGB files and that he had offered to show the files to that source.
6. The former Executive Director of the Review Board, David Marwell, exchanged e-mail messages with Mr. Schiller on May 19, 1997. On May 20, 1997, Marwell and Mr. Schiller spoke about the possibility of the Board's obtaining copies of the records, but Mr. Schiller did not reach a decision. A follow-up letter was sent to Mr. Schiller on May 20, 1997. No further response was received.
7. On March 4, 1998, I spoke with Mr. Schiller and requested that he make a copy of the files available for our inspection. He said that he had the only copy of the records (thereby implying that Mr. Mailer and others do not have copies.) He said that he had "thought long and hard about it" but that he had decided not to make copies available. I asked him in several different ways what his reasons were and whether there was anything we could do to help convince him otherwise. He said "no, you just need to respect my reasons." Although the conversation was very cordial, he was adamant that he would not provide us with access to the records.

On March 11, 1998, having exhausted every other known possibility for obtaining the KGB files, the Review Board requested the Department of Justice to issue a subpoena to Mr. Schiller. The Review Board continues to await a response to that March 11 subpoena request.