

Chapter IV

Marina---The Commission's Star Witness

Final Draft
Final Draft

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"If, as I hope, [the Sultan] grants me my wish, be sure that you wake me before the dawn, and speak to me these words: 'My sister, if you are not asleep, I beg you, before the sun rises, to tell me one of your charming stories.' Then I shall begin, and I hope by this means to deliver the people from the terror that reigns over them."

Scheherazada to Dinarzade, *The Arabian Nights*

any at all?

Tasking themselves with proving that Oswald was the lone assassin when not a single credible witness saw him in the "sniper's nest" at the time of the shooting or in the TSBDB with a smoking rifle confronted the Commission with no small problem. It had to construct a convincing case to bridge the gap between allegation to verification. Or, as Rankin summarized the Commission's task, "to tell the story and to show why it is reasonable to assume that [Oswald] did what the Commission concludes that he did do." ¹

To avoid suspicions that it was building conjectural castles in the air the Commission turned to Marina N. Oswald, the alleged assassin's widow. She was the Commission's first witness. As for the Dealey Plaza shooting Marina was a witness to nothing. She was at home in Irving, a suburb of Dallas, some 15 miles away when the presidential motorcade was fired upon. Nevertheless, a cooperative Marina was indispensable to the Commission building a "reasonable" case against her husband. It was Marina, and not the physical evidence, who tied her dead husband to the attempt on General Walker's life. She was the only person who saw civilian Oswald with a military

Commission Saw

rifle. The authorities counted on Oswald's Russian wife to throw light on her husband's mysterious Mexico trip. About one out of every ten hours the Commission spent with live witnesses was devoted to Marina Oswald. For ten months the Secret Service and then increasingly the FBI spent hundreds of hours interrogating this Russian expatriate who spoke little or no English. For a time the FBI placed her under physical and electronic surveillance.²

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over the top
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On 22 November 1963 Marina Nikilaevna's world was turned upside down. Life with her self-absorbed husband who moved in and out of his own fantasy world was never smooth and predictable. But when she learned that Lee was charged with assassinating President Kennedy she suddenly a woman without a country. Suddenly her husband was America's Number One villain who had killed the president and shot to death a Dallas policeman. Marina had no reason to believe she would be welcome in her own country. The truth was she did not want to return to the Soviet Union. Yet, she had lied to the U.S. government to gain access to this country and these untruths made her eligible for automatic expulsion if the authorities decided to send her packing. Marina was twenty-two-years old in November 1963 with two children under two years of age and her life was checkmated; she was adrift, with no control over her fate and that of her infant daughters.³

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For the next three months her life oscillated wildly between two extremes: American Nightmare and American Dream. For almost 90 days she was under a regime of protective custody and subjected to intensive grilling by the Secret Service and the FBI. Her interrogators made it clear that is she wished to stay in America she would have to cooperate. Government officials were not very subtle about this proffered quid pro

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quo: Marina would tell them what they wanted to hear or she and her family would be deported to the Soviet Union.

Ref stated

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Robert
Oswald*

While officialdom menaced Oswald's widow, the American people showered her with sympathy and financial support. For example, letters poured into the Dallas FBI field office with checks made out to Marina, mostly in modest denominations, with words of support and assurances that no one held her responsible for her husband's

alleged

heinous crimes. The Presbyterian Church of Chicago urged that all churches take up a collection for the distraught widow. By 6 December 1963 there was an "Oswald Trust Fund" opened in Dallas to hold the flood of voluntary donations. Over the next months the \$25,000 in the trust fund grew to almost \$75,000 some of this increase came from *Life* magazine for the right to publish excerpts from Lee's diary and a picture of the ex-Marine holding the "assassination rifle." This outpouring of emotion and largesse not only made Marina a wealthy woman but, in time, tempered the government's treatment of this attractive young widow thrust into the public spotlight.⁴

For the first three months after the assassination Marina and her children were held in protective custody by the Secret Service in Arlington, Texas, at the Inn of the Six Flags Motel. They were transported there the day Lee died from a gunshot wound inflicted by Jack Ruby. Secret Service Inspector Thomas J. Kelley gave a totally

(The Secret Service knew Oswald had been shot but it did not tell Marina.)

misleading account of the move to Arlington and Marina Oswald's first experience with government officials to the Warren Commission. In contrast to Kelley's benign account,

immediately after the family was settled, Secret Service Agents Charles E. Kunkel and James F. ("Mike") Howard began grilling Marina who had just left the hospital where she had to identify the body of her dead husband. The transcript of the interrogation is 45

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where her
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pages in length. The fact that the questions and answers had to be filtered through a translator, meant that the length of the transcript was not a true indicator of the time Marina had to put her grieving on hold while she confronted her interrogators. This uncalled for and unconscionable treatment could only have terrorized this Russian expatriate, ^{who} ~~harboring~~ ^{ed} a deep dread of all police and government agents, ^{was} ~~cut~~ off from her few friends, ^{was} ~~and~~ denied counsel. She was being abused by government agents on the day her husband was murdered; shot to death while he was under the control of the authorities. Marina had to wonder if she would ever wake from this nightmare.⁵

On the day of the assassination the FBI tried to get Marina to identify the alleged murder weapon as the rifle owned by her husband. She was no help. Totally bewildered and distrustful of the FBI, she was probably not being deceptive when she could not make a positive identification, telling the agents that all guns looked alike to her. The following day she refused to be interviewed. The next day, November 26, FBI agents Charles T. Brown and James P. Hosty, Jr., showed up at Marina's cottage at Six Flags Motel to interview her. She refused to answer any of their questions, explaining that she had told the Secret Service everything she knew. She made it clear she was hostile because she felt the FBI had Lee fired from every job he ever had. Hosty and Brown returned the next day and Marina proved no more cooperative. The agents stressed that remaining in the country and finding employment was conditioned upon her cooperating with the government. While Marina did not back down she did give way to her emotions with an outburst, "I swear before God Lee did not intend to kill the President." She then asked the agents to leave.⁶

William Sullivan

At this point Assistant Director William Sullivan, the head of the FBI's Intelligence Division, took control over Marina's interrogation. Sullivan arranged through the cooperation of James Rowley, the head of the Secret Service, to allow the FBI to go one-on-one with Marina without the Secret Service in the background. Inspector Kelley even promised to "kick the mother [Marguerite] loose" to assure that Marina would be totally isolated.⁷ On November 28 FBIHQ arranged for a U.S. Air Force plane to fly Fred Harvey of the Immigration and Naturalization Service (INS) from the New York office and FBI Russian language specialist Anatole A. Boguslav to Dallas. They were to team up with Dallas agent Wallace R. Heitman, who would do the questioning. This entire operation was ultra-hush-hush, "the Dallas agents" involved were "to be cautioned to keep their mouths shut"⁸

Sullivan furnished Heitman with three pages of questions for Marina and some advice on how to handle the subject. Leaving nothing to chance, the assistant director telephoned Heitman to make sure he fully understood the gravity of the assignment. Aware that Marina feared and distrusted the FBI, Sullivan advised Heitman to take the " 'con man' approach---to win her over. Do not start out cold interrogating her." He suggested Heitman begin by showing some compassion about her plight and ask about the children and how they were bearing up. In time, over the hundreds of hours the FBI spent questioning Marina, Heitman doing most of the interviewing, while she was never totally at ease, Marina developed a liking for the agent. Heitman, out of calculation, or a genuine feelings of sympathy that grew out of the many contact hours spent with Marina, began treating her like his own daughter.⁹

Of the list of questions Sullivan prepared for Heitman the area that loomed most important was Oswald's eight-day trip to Mexico. The Mexico business was the chief reason why FBIHQ ordered the initial interviews be handled with extreme discretion and tightly contained among the FBI team sent to Dallas to "bear down" on her. For a time after the assassination FBIHQ was investigating a story originating with the CIA Station in Mexico City that Oswald made contact with a Valery V. Kostikov at the Russian Embassy. According to CIA sources Kostikov was a high-ranking officer in Department 13, the "wet acts" or assassination branch of the KGB. Another sinister dimension was added to the growing Mexican intrigue immediately after the assassination when a Nicaraguan intelligence agent swore he saw Oswald receive a substantial sum of money from a Cuban on 18 September 1963, outside the Cuban Consulate in Mexico City. At the time Sullivan was setting up the initial Arlington, Texas, interviews with Marina the FBI was still running out all its lines of inquiry into these Mexico City allegations. FBIHQ wanted to squeeze Marina for anything she knew about the reported September 18 "payoff" and whether her husband had any dealings with Soviet intelligence while he was in Mexico.¹⁰

The combination of Marina's strong survival instincts, her desperation, and Sullivan's assembled special team began to make some inroads into the stalemated situation. The FBI report on the November 28 interview noted that INS agent Harvey made a favorable impression on the wary and reluctant Marina. He guaranteed her residence in the United States and eventual citizenship if she cooperated fully with the government authorities.¹¹

Marina presented a more nuanced version of her exchange with Harvey when she made her first appearance before the Warren Commission:

(with a translator)

Rankin. What did he say to you?

Mrs. Oswald. That if I was not guilty of anything, if I had not committed any crime against this Government, then I had every right to live in this country. This was the type of introduction before the questioning by the FBI. He said that it would be better for me if I would help them.

Rankin. Did you understand that you were being threatened with deportation if you didn't answer these questions?

Mrs. Oswald. No, I did not understand it that way. You see, it was presented in such a delicate form, but there was a clear implication that it would be better if I helped.

Rankin. Did anyone indicate that it would affect your ability to work in this country if you cooperated?

Mrs. Oswald. Excuse me. No.

Rankin. Is there anything else about your treatment by law enforcement officials during this period that you would like to tell the Commission about?

Mrs. Oswald. I think the FBI agents knew that I was afraid that after everything that had happened I could not remain to live in this country, and they somewhat exploited that for their own purposes, in a very polite form, so that you could not say anything after that. They cannot be accused of anything. They approached it in a very clever, contrived way.

There is no way of knowing from either the FBI report or Marina's Commission testimony whether Harvey raised the issue of her lying to get into the country. At the age of eighteen she was employed at the Clinical Hospital in Minsk. In order to hold down the job it was necessary that she become a Komsomol member, that is, a member of the Communist Youth League. Marina had no interest in politics and never bothered to pick up her membership card. But when she filed her papers for entry into the United States she failed to report her Komsomol membership. As mentioned before, these were grounds for automatic expulsion had the government chose to exercise this option. There

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It may have come up in the declassification 4/28

Somewhere I came across a clipping that she had met Webster

*Ash Malcolm
any other
U.S.
defectors*

is nothing in any released documents to indicate whether Harvey or the FBI brought this up at the November 28 interview. Harvey was never deposed, asked for a statement, or called as a Commission witness. But Harvey's presence at the November 28 interview, and the fact that the FBI made it clear to Marina that he was especially brought in from Washington, had to weigh heavy on her mind.¹²

Once Marina realized she had to submit to FBI questioning she began spinning her interrogators. Like a modern-day Scheherazade, she related story after story as though her very life was at stake. In her first interview with Heitman, Marina told him that Lee had never been to Mexico. Later, confronted with her lie, she blushed, admitted the falsehood, explaining she despised the FBI and wanted to save something to tell the Commission. When she first appeared before the Commission Marina told Rankin she would conceal nothing now that she was under oath. "I will not," she assured the chief counsel, "be charged with anything." The interpreter clarified: "... as she is sworn in, she is going to tell the truth."¹³ Tripped up on her lie about Lee and Mexico, Marina salvaged some credibility when she told the FBI that on September 18 her husband was with the family in New Orleans and could not have been in Mexico City. The FBI followed up her story and found it faithful to the facts. With meticulous investigative work the FBI discovered that Oswald cashed an unemployment check in New Orleans on September 26, the day he left for Mexico City. That satisfied FBIHQ that the allegation Oswald received several thousands of dollars from a Cuban national outside the Cuban Consulate on September 18 was totally bogus. The FBI never found reason to question Marina's claim that Lee took about \$170.00 with him to Mexico and had \$70 when he

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returned. The day Marina was widowed her worldly estate was under \$200; three days later she was without any funds. ¹⁴

The Commission needed Marina to help it make a case that Lee Oswald was proficient with a rifle; that the alleged assassination weapon belonged to her husband; and provide convincing testimony that he was the assailant who took a shot at General Walker.

On the day of the assassination she told the FBI she knew Lee had a rifle and that it was kept in the garage at Ruth Paine's home in Irving where she and the children were staying. Five days later she told her Secret Service and FBI interrogators that she never saw Lee with a rifle. Less than a week later Marina admitted to Heitman that she took the photograph of Lee packing a revolver and holding a rifle in one hand and a copy of *The Militant*, the organ of the American Socialist Workers' party, in the other. ¹⁵

According to the Commission's records Marina went through 46 FBI interviews. When the questioning turned to her husband's rifle she was always indefinite, never able to positively identify the Mannlicher-Carcano as the weapon Lee had in their home in New Orleans, Dallas, or in the Paine's garage in Irving. She could not explain to her FBI interrogators how the rifle was returned from New Orleans to Dallas. Lee did not accompany Marina and Ruth Paine after they loaded up Mrs. Paine's 1955 Chevy station wagon and moved the Oswald household from New Orleans back to Dallas. He left New Orleans three days after the move to go to Mexico. Lee and Ruth Paine did all the packing and loading of the car; Marina was pregnant and near her time. In her testimony before the Commission Mrs. Paine was certain she never saw any package that could have been holding a rifle. Since Lee traveled to Mexico City by bus there was no

likelihood he somehow carried a rifle across the border and back again on public transport. Moreover, the Commission had “fairly solid” testimony that the only luggage Oswald carried with him on his Mexico trip was a “small zipper bag.” One too small to carry a rifle, even if it was broken down. All Marina could tell Heitman was that the rifle somehow showed up wrapped in a blanket lying flat on the floor in the Paine’s garage.

} note

Ruth Paine was certain when she unloaded the station wagon when they reached Irving none of the packages or bundles held a rifle. She told the Commission the first time she saw the blanket in her garage was in late October. The FBI was never able to solve the mystery of the transported rifle; and the Commission ignored it entirely. This was not an irrelevant or easily disposable complication because it raised the question of ownership and chain of possession of the alleged murder weapon. Mrs. Paine was definite in one respect: She never saw Lee Harvey Oswald handling a rifle during the three days in September when she was in New Orleans with the family or after they all resettled back in Dallas.¹⁶

Mrs Paine

Marina
Paine
Paine

During the Commission’s 30 April 1964, executive session the Commissioners spent a few minutes on the General Walker shooting. Rankin did a quick overview of what the Report would use to tie Oswald to the failed attempt on the general’s life. He mention the Dallas police report on the attack, neglecting to note that Oswald was never a suspect. The FBI, on the other hand, Rankin instructed his colleagues, conducted a more complete investigation, but they “never had anything they could work with from a ballistics standpoint.” McCloy was quick to come up with the saving stopgap: “We have had Marina’s testimony.” Marina was their star witness, their rod and their staff, and she did comfort them on the Walker shooting.¹⁷

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stay in the bathroom until he regained his senses. Properly chastised and contrite, Lee asked for something to read and he remained closeted in the bathroom for the next two or three hours.²⁰ *The Commission said it "killed" him inside the bathroom!*

As the Commission's star witness, Marina Oswald's testimony was the most damaging in placing her dead husband in the frame for the murder of President Kennedy. It was Marina more than any other witness who provided the veneer of "reasonableness" {Rankin's desideratum] to the Commission's assumptions that her husband was the lone assailant in the Kennedy assassination. The towering irony here is that had Lee Harvey Oswald lived to go to trial the government would never have placed Marina on the witness stand because of the constitutional protection preventing one spouse from testifying against the other. *and because it, in our defense attorneys would have*

minutes time demolishing her testimony.

It is also true that the Mrs. Lee Harvey Oswald of the Warren Commission Report was a sanitized version of the Marina whose false and ambiguous statements gave the Commission, its staff, and the FBI multiple migraines. Commission staffer Richard M. Mosk, tasked to help prepare the section of the report of Oswald's rifle skills, submitted an 18-page memo pointing out numerous false statements she made to the Commission and her FBI interviewers. The gravamen of the Mosk memo was there was virtually nothing that Marina reported about Lee and the rifle that could be taken at face value. Overall, Mosk could find no convincing evidence that Lee Oswald ever had a rifle in his hands after he left the Marines and returned from the Soviet Union. Mosk's memo galvanized Rankin to press the FBI for its report on the Walker shooting because Marina's statements "just don't jibe" and her next appearance before the Commission was imminent.²¹

For Gerald R. Ford, Marina was the “most difficult” of the Commission’s 552 witness. “A baffling personality,” was Senator Russell’s take on Marina; his reaction to her irritating habit of changing her testimony over the course of the Commission’s three sessions with Oswald’s widow. Assistant counsel Norman Redlich was at his wits end with Marina after reviewing her Commission testimony. He sent off a heated memo to Rankin charging that she “lied to the Secret Service, FBI, and this commission repeatedly on matters which are of vital concern to the people of this country and the world.”²²

In some cases where her accounts did “not jibe” the Commission engaged its own dissembling and suppressed her contradictory stories from the official Commission Report that was released to the public. For example, Marina told the FBI and the Commission that after Lee’s abortive attempt on General Walker’s life he buried his rifle in the ground in a field far from Walker’s home near some railroad tracks. She then recalled that Lee brought the rifle home the Sunday (4/14/’63) three days after he made his attempt on Walker. There was just one small problem with this story. Saturday (4/13] Mr. and Mrs. George DeMohrenschildt, close acquaintances from the Dallas White Russian community, visited the Oswalds. Jeanne DeMohrenschildt testified before the Commission that she spotted the rifle in the closet and this generated all sorts of awkward conversation about Lee’s “practice” with the rifle, including his shooting at leaves in the park while walking the baby. Whether Marina had her dates confused or tripped herself up in her elaborate invention of the Walker shooting the Commission never bothered to unravel. In all the many hours the Commission had Marina under oath it never asked her when Lee recovered his rifle after the alleged 10 April 1963 assassination attempt on the general.²³

As mentioned earlier, the FBI could not determine whether the slug taken from General Walker's home could have been fired from the alleged assassination rifle because of the mutilation of the bullet. In March FBI lab (Bulab) agents muddied the *evidentiary* waters even more around the Walker shooting with a report that spectrographic comparison between the lead alloy in the Walker slug and the lead alloy from a large fragment from the presidential limousine "did not compare". There was little comfort the FBI could take from this report unless it could prove that Oswald owned a second rifle or was using different ammunition in his presumed attempts on JFK and Walker. Otherwise, the spectrographic tests were exculpatory, the alleged presidential assassin was not the Walker sniper. Ivan W. Conrad, the assistant director of Bulab, thought they might still tie Oswald to the Walker attempt if they could find bullets at any of the target ranges in and around the Dallas-Irving area where he practiced. Since Marina fed her FBI interrogators stories of Lee slipping off at night with the rifle to sharpen his skills, he thought Marina might provide some useful leads.²⁴

With the help of the Dallas-Irving police, the FBI checked on the gun clubs and questioned the owners and some patrons to see if they could identify Oswald with a rifle and scope that looked like C2766, the evidence tag number the Commission assigned to the Mannlicher-Carcano found on the sixth floor of the TSBDB. The FBI search came up empty. Rankin was told that "every allegation made concerning Oswald's target practice was fully run out but in each instance the allegation proved to be unfounded." Mosk noted in his long memo that the FBI failed to find anyone "who could identify Oswald as having fired in the Love Field area or at a gun club in the area." Additionally, according to Mosk, the owner of the [?]one gun shop in the Dallas-Irving area that handled 6.5

Mannlicher-Carcano, Western Cartridge Company ammunition, identical to the round left in the chamber of C2766 found secreted away on the sixth floor of the TSBDB, swore that Oswald never patronized his business.²⁵

Ultimately, the Commission was forced to go to tendentious lengths to tie Oswald with the Walker affair. The Commission used FBI ballistics expert, Robert A. Frazier, to fix the problem. Frazier testified that while it was impossible to conclude that the Walker slug came from the Oswald rifle, there was no compelling physical evidence to persuade that it did not. It was a demonstration of low-grade police work masked by dazzling high-wire semantics to ease the Commission over the divide from questionable allegation to the thumbing conclusion that “Oswald attempted to kill General Walker.” Not a single member of the Commission asked Frazier how he squared his testimony with Bulab’s report that spectrographic analysis could not match the Walker slug with the missile fragments recovered from the presidential limousine.²⁶ *in your brain, you normally*

Despite all the contrived appearances that Marina’s testimony was of probative value, the Commission was always leery about its star witness. Both the Commission and the FBI never stopped fretting that the part of their case built around Marina’s testimony was made out of bricks without straw and could come tumbling down about their ears. The hand-wringing began in earnest in late February after Marina’s first appearance as a Commission witness.

The first danger signal was tripped by events taking place in Marina’s private life. The FBI learned that when Marina came to Washington to testify she had an affair with her then business manager, James H. Martin, who accompanied on the trip. Marina first met Martin in his capacity as assistant manager of the Six Flags Motel. Shortly after the

Thanksgiving holidays he invited Marina and her daughters to move into his home and become part of the Martin household. Married and with a family of his own, Martin, keenly aware of Marina's sudden celebrity status and the object of an outpouring of financial assistance, wanted in on the action.

He did not wait long to launch his campaign of seduction to win her trust and sexual favors. He brazenly carried the torch for Marina even under the nose of Mrs. Martin, who might have been a witting accomplice in her husband's cheap confidence game, and the Secret Service agents tasked with Marina's security. Lonely, vulnerable, and increasingly susceptible to his attentions and professions of love, Marina agreed to be his mistress when she had a home of her own. In the meantime, Marina agreed that Martin take over her business affairs and retain a lawyer to handle her legal matters. He open a bank account in the name of "Marina Martin" at a Dallas bank and handled all the donation checks endorsing them in his name and promising to deposit them in Marina's account. Marina was not a silly-heart; but she was in need of affection and hungry for tender caring and Martin gave her every assurance that he was sincere. With the advice and help from her brother-in-law, Robert Oswald, Marina ultimately disentangle herself from Martin's clutches but not first without some messy legal wrangling and bitter recriminations.²⁷

Given Marina's importance to the investigation "The Affair" could not remain a private matter. On 24 February 1964 Hoover had a long conversation with Rankin about Marina, her relations with Martin, and her credibility in general. The director worried that if Marina's affair with a married man became public her credibility as a Commission witness could suffer. Hoover was having his own doubts, telling Rankin he thought she

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was a “pretty questionable character.” Then they started to chew around the edges of Marina’s story about Lee’s threat against Nixon. Hoover thought the whole story was “fishy” and not worth serious consideration. He could not bring himself to believe that a deranged and cold-blooded assassin would meekly submit to banishment to his own bathroom. The director even went so far as to infer that Marina and Martin might have concocted the “Nixon Story” to sell to a credulous media hungry for insights coming from the alleged assassin’s widow. Hoover was wary of what he called the “bleeding hearts” and “sob sisters” journalists who were scouring Dallas for stories related to the assassination.²⁸

Moreover, Nixon was not in Dallas in April. He had an April date to receive an award from the Dallas Chamber of Commerce but cancelled his appearance because of other pressing business. Vice-President Johnson was in Dallas on April 23, but Marina insisted upon Nixon. He told Heitman she did not know Johnson, but remembered Nixon from his “kitchen debate” with Nikita Khrushchev. To the Martin affair and the bogus Nixon story, Hoover could have added more to the debit side of Marina’s credibility account. There was her lying about Lee’s Mexico trip, withholding information on the Walker incident, and her ambiguous statements and inventions about her husband’s rifle and his after dark rifle practice at Love Field. Can't on his own Orleans back porch. But Hoover held the line on the Walker incident, telling Rankin that while “you can’t say you are 100 % sure” the ballistic evidence, he assured the chief counsel, still pointed convincingly to Oswald.²⁹

Both Hoover and Rankin feared that Marina was a loose cannon. She could be quoted from any official source on almost any side of any question, giving contradictory meaning and interpretations on almost every topic raised by her interrogators. The

Commission was aware that the national press was frantic to gain access to Marina and her story. Her business manager James Martin was busy lining up article and book deals and there was even some talk about a movie.

The Commission and Hoover wanted to be absolutely certain that Marina testified under oath before the Marina-Martin versions of this national tragedy found their way into the public domain. McCloy alarmed his fellow Commissioners when he dropped the bomblet he had picked up from a *Life* magazine source that Marina was collaborating with professional anti-Communist writer Isaac Don Levine to publish her story in that publication. McCloy's concern was that Levine "is trying to pep it up" with "evidence that [Oswald] was a Soviet agent." Russell spoke for the rest of the members when he retorted: "That will blow the lid if she testifies to that." Dulles volunteered that he knew Levine and would "get him in" and have a "friendly talk." On 28 May 1964 Levine had a conference with Commission assistant counsel W. David Slawson. He handed over to Slawson a list of 33 "Fresh Clues" to the assassination. Included among Levine's "insights" were notes on the much worked-over alleged assassination attempt on Richard M. Nixon and a bizarre account of a "deal" between JFK and Khrushchev to sell "true communism down the river." Marina had several meetings with Levine before she brushed him off. The FBI learned about this through a phone intercept between Marina and George Bouhe, an adviser and a member of the Dallas White Russian community. Marina told Bouhe not to give Levine her telephone number or her new Richardson, Texas, address since she did not want him to come to her home and "bother her ears."³⁰

Hoover wanted to place her under surveillance so there would be no more potentially damaging surprises. At the end of her first session with the Commission she requested an end to protective custody. Warren consented to her petition and declared her a free agent, relieving her from her round-the-clock Secret Service protection. Now that Marina was out from under protective custody, Rankin worried that she might slip across the border into Mexico. With her "Oswald Trust Fund" and article and book deals, *alone,* Rankin had to believe that the threat of a fleeing Marina was as improbable as a cow doing mathematics. He invented this concern as preface to his suggestion to Hoover that the FBI place her under physical surveillance.

Hoover grabbed at the bait, *and ran with it,* and reportedly told Rankin that a telephone tap would increase their surveillance capabilities and make for a more comprehensive intelligence profile on who Marina was seeing and what they talked about. Rankin wavered somewhat about a phone tap, and while he apparently never vetoed the idea, good bureaucrat that he was, he cautioned Hoover to keep expenses down. Hoover being Hoover, that same day the director ordered a tap on the phone of the Declan P. Fords, prominent members of the White Russian community in Dallas, *in* whose home where Marina and the children were staying after she broke with James Martin. While the request was bucked up to Justice for the Attorney General's approval, Belmont recommended that Rankin and the Commissioners not be told about phone tap until it was in place; Hoover concurred.³¹ *See on*

When Marina moved from the Fords to her own place in Richardson, Texas, the FBI was a step ahead of her. Before she moved into her own home agency technicians installed a *S R* microphone ("bug") at the Richardson address without telling Rankin or the

Commissioners. By 2 March 1964 the “bug” and the phone tap was in place and FBIHQ sent eight agents to the Dallas office to help man the surveillance equipment around the clock. On 16 March 1964 FBIHQ decided on its own to discontinue all surveillance on Marina.

The electronic haul from the operation, 22 reels of tape, revealed nothing of Oswald’s motives or any hint of conspiracy. The official FBI position, of course, from day one was that Oswald acted alone in the killing of President Kennedy. However, every FBI “June Mail” memo carried the slugline “Lee Harvey Oswald, Internal Security---Russia---Cuba.”! This was probably to cover the FBI’s illegal wiretapping and bugging.

most of the records the FBI provided the w.c. were slugged this way,

~~By concocting a “national security” cover the Bureau did not require a judge’s permission for the electronic surveillance.~~ The FBI admitted that this around-the-clock snooping into Marina’s private life captured on the 22 reels of tape was of no evidentiary value.³² This certainly came as no surprise to the Bureau since it must have tumbled to the fact by this time that Marina knew nothing about the Kennedy assassination. Like Scheherazade in the ancient Persian chronicles, Marina spun out her stories to keep from being swallowed up by an act of incomprehensible and all-consuming horror and to escape being deported to her country of birth whose interest in her fate could best be summed up--“return not desired.”

What the tapes did record were Marina’s most intimate feelings, her dream life, and sexual fantasies that she confided to Katya Ford, her Russian-speaking friend and confident, former host, and wife of her new business manager. They also recorded intercepts of Marina’s conversations with her lawyer, William A. McKenzie, a Dallas attorney recommended by Declan Ford to handle her legal battles with James Martin

following the rupture in their personal and business relationship. FBIHQ developed a sudden case of cold feet on the Marina surveillance fearing it would kick back if it was leaked to the public.³³ Details of Marina's negotiations with her lawyer and her erotic fantasy life were not, most Americans would have agreed, legitimate interests of the government even under the most generous interpretation of the overworked Cold War shibboleth of "national security." Had this lawless abuse of Marina Oswald's right to privacy reached the media it would have created a public relations debacle for the Hoover Bureau.³⁴

When FBIHQ suddenly terminated the surveillance Assistant Director Sullivan recommended that the Commission not receive the FBI report generated from the Marina tapes since "it does not appear the Commission specifically asked for a technical surveillance." W. A. Branigan, FBIHQ's man who headed up the Marina case, strongly supported ending the surveillance. Branigan worried that since the wiretap had picked up detailed conversation between Marina and her lawyer argued--putting a nice point on It--that this was "undesirable" from a "legal standpoint" if it became public. Belmont, who was formally responsible for the entire investigation, "loathed to have this type of material on record" less the Commission have access and leak to the press. FBIHQ leakers had suddenly become champions of preventive maintenance plumbing. Hoover naturally agreed to the suppression "because the Commission seems intensely alert to embarrass FBI. . . ." Tolson, DeLoach, and Mohr, the rest of Hoover's "General Staff", all favored burying the report certain that someone on the Commission would leak it to the press. But when the Dallas field office asked if it should destroy the Marina tapes, Hoover ordered that Dallas permanently retain them.³⁵

W. C.

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However, FBI H & did regularly provide the Commission length and detailed summaries some of which could have been based only on wire taps

Over had to persuade Warren that what he gotten Warren to request was legitimate, not dirty work. These records were disclosed to me under FOIA. Once the FBI was forced to make this limited disclosure, it tried to get me to ask for the tape. Had it disclosed them to me it would have had to place tapes in its public reading room. Knowing from the summaries what the tapes contained, I declined

CF-78-0322 in DL & MO as records

Given that the FBI discounted the tapes as having no “no evidentiary value,” what possible use could the agency have for them? A September 1964 Branigan to Sullivan memo written after the Warren Commission Report was released gave an indication of FBIHQ’s intentions. Branigan’s memo reported in detail Marina’s criticism of the Bureau during her first Commission session as a witness. Hoover and his Bureau chiefs could be unforgiving and vindictive when it came to those with the temerity to criticize the agency. In her February 1964 testimony before the Commission Marina was outspoken in her criticism of the FBI. She unfavorably contrasted the agency with the high opinion she had of the Secret Service and the Dallas Police Department. It would hardly be breaking news where the Hoover FBI was concerned, if the director and his Bureau chiefs kept the tapes to threaten or publicly embarrass Marina when and if the opportunity arose. Blackmail and character assassination were part of the Hoover FBI arsenal of dirty tricks used without (compunction) against its critics and perceived enemies.³⁶

In September 1964 the Warren Commission submitted its findings to President Johnson and the American people. Officially, the nightmare of Dallas was over and the nation was quickly swept up in LBJ’s Great Society programs, a burgeoning civil rights revolution, and the distant rumblings of a war in Southeast Asia.

For Marina the nightmare never really ended but she moved ahead making a life for herself and her children. At the beginning of 1965 she enrolled in an intensive eight-week English language course at the University of Michigan under the sponsorship of an area church group. Her presence on the Ann Arbor campus generated immediate but short-lived interest and excitement. The Ann Arbor police department, campus security and the university administration closely monitored her mail and her comings and goings.

Ann Arbor Police Chief Rolland Gainsley, at the request of the FBI, discreetly covered her few press conferences. Gainsley reported her comments to the FBI and agent Wallace Heitman sent his Marina reports forward to FBIHQ. After the initial flash of publicity Marina became just another student on the large Michigan campus. She finished her course without any further fanfare, returned to Dallas, remarried, and had another child.³⁷

Ostensibly, Marina appeared on the path to a normal life. She surrounded herself with all the trappings of the contemporary American middle-class model of the good life: a caring and hard working husband, the sweet satisfaction of financial security, the joy of a new baby, and a comfortable home in the Dallas suburbs. But Marina was haunted by memories and flashbacks of the nightmare of the assassination and the subsequent nine months when she was the object of intense government scrutiny. Marina Oswald Porter's burden was, if nothing else, *sui generis*: her first husband was "convicted" by a blue-ribbon presidential commission of committing the "Crime of the Century." This was a bleak legacy that could be a crushing weight for the Oswald children and their children's children to carry through life. Marina once described this legacy as a "heavy object, a hammer in my mind." Given time to reflect, it was natural that Marina wanted the reality to be otherwise. There were understandable psychological reasons why she felt compelled to rearrange the truth---that is, the "official truth" of Dallas---to wash away what threatened to be an indelible and crippling family stigma.³⁸

Marina's attempts to revise the "official truth" of Dallas started incrementally in 1964 and continued, despite great interludes of silence, for the next thirty years. Hers was not always a very popular course with the Oswald children. On Sunday, 6 September 1964 at the U.S. Naval Air Station in Dallas, Marina confronted Commission members

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for her third and last time. The Commission's final report was already in final draft and ready for the printers, but Russell, Cooper, Boggs, and Rankin wanted one more go-around with their star witness. During the course of the three-hour session Marina flabbergasted her questioners when she opined that Lee was shooting not at JFK but Governor John Connally. She could only speculate about Connally, explaining that he was Secretary of the Navy when her husband unsuccessfully petitioned to have his dishonorable discharge from the Marine Corps reversed. Marina inferred that her impulsive and hot-tempered husband harbored a festering grudge against Connally, a noted public figure and a "stupid bureaucrat" (Lee's characterization) and made an attempt on his life to settle a score. This was a dramatic rearrangement of her February 1964 Commission testimony when (Boggs) asked her if she believed Lee shot the president and Marina unhesitatingly replied: "Regretfully, yes." Three years later she was subpoenaed to appear before the grand jury in the Jim Garrison case against Clay Shaw. Marina testified that she believed Lee killed the president but rejected the notion that he was involved in any conspiracy.³⁹

By the late 1980s Marina began to speak with cold conviction that Lee was a "government agent" and was set up to take the fall for the assassination. Needing to speak out she found a new voice. Marina was now certain her first husband did not shoot anybody. In a rare public appearance at a 1993 Harvard University conference on the assassination, Marina claimed that Lee "loved JFK and what he stood for." She went on to assert to the largely sympathetic audience that Lee was a "patsy in a conspiracy to kill the president." She rejected the government's investigation and the Warren Report as a "historic miscarriage of justice."⁴⁰

In Marina's own mind Lee was a victim just as she, too, felt herself victimized. It was as though Dallas had erased or blurred the boundary between his history and her own. She told one interviewer "Lee was buried, but I was buried even deeper by the weight of my humiliation." As the Commission's most damaging witness against her husband, she had come to see herself as "his executioner." She blamed the Commission for leading her as a witness, maneuvering her with their questions so she became a spokesman to advance their predetermined conclusions that Oswald was the single gunman.⁴¹

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Given the circumstances at the time that prompted Marina to help the Commission build its "reasonable" case against Lee her latter efforts to clear his name could be easily dismissed as self-directed therapy. The only way she had to alleviate her guilt for being an accessory to the Commission's findings that Oswald committed the most subversive crime in our form of government was by publicly championing his innocence and, by extension, her own. However, to dismiss or psychologise Marina away too quickly would overlook the Commission's ex parte and systematic efforts to prejudice the case against Oswald by what it chose to emphasize and what it intentionally ignored or suppressed. A review of some of the Commission's evaluation of Oswald makes the case that Marina's contention that her husband was a "government agent" not categorically unwarranted. *See over*

In its more than 900-page Report, much of it devoted largely or exclusively to Oswald, the Commission had to grapple with the troublesome question of motive. In Chapter Seven the Report turns its hand at trying to answer why Oswald did what the Commission concluded he did do? From the outset of the chapter the Report settles upon

his “Commitment to Marxism or Communism” as the controlling explanation for Oswald’s actions. The Report makes no effort to define or explain what it means by these terms nor does it produce any evidence of his alleged “commitment” to Marxism or communism.” The Report asserts that Oswald “resented the capitalist system”, but that same paragraph includes the incongruous observation that when he was in the Soviet Union Oswald “spoke highly of the United States.” The Marine officer in charge of the radar crew on which Oswald served testified that he never heard him say he was a communist or “thought of being a communist.” Oswald’s closest buddy in the Marines, Nelson Delgado, observed that Oswald was favorably excited about the Castro revolution but was not in favor “of the Communist way of life.”⁴² Moreover, some of Oswald’s favorite books were George Orwell’s anti-authoritarian and anti-communist classics *Animal Farm* and *1984*. His favorite piece of classical music was Peter Ilyich Tchaikovsky’s *Queen of Spades*.⁴³ (J - see WWI pp 120 ff)

The 50-page chapter, under the misstated section “Return to the United States,” quotes excerpts from an Oswald essay entitled “The Collective.” According to the Commission this was Oswald’s “longest and clearest” piece of writing, basically detailing his work experience in the Minsk radio and television factory where he worked when residing in the Soviet Union. (It provided the kind of detail that would attract the attention of the intelligence community.) In his piece “The Collective,” Oswald spares neither the American Communist Party nor the Soviet system. He accuses the Soviets of “crimes unsurpassed even by their early capitalist counterparts” and blasts the Kremlin heirs of Stalinist mass exterminations, individual suppression and regimentation for “the murder of history and the prostitution of art and culture.” This was the kind of language

that would have been warmly endorsed by the ultra right groups in Dallas. Having laid all this out, and more, in Chapter Seven the Commission still comes to the thudding conclusion that Oswald's "commitment to Marxism and communism" was an "important factor" in his attempts to kill General Walker and President Kennedy. This motif--- commitment to Marxism and communism---was in the Commission's eyes enough of an explanation for the ordinary understanding of the American people as to the "Why" of Dallas.⁴⁴ *of the Commission's own files disproves this abundantly.*

When the Report deals with Oswald's record in the Marine Corps it suppresses facts and ignores circumstances that are inconvenient to the Commission's prosecutorial case against the dead man charged with JFK's murder. Oswald was not a model leatherneck. He was moody, disrespectful and occasionally insubordinate to those superiors who he regarded as his intellectual inferiors. The Report covers these incidents and his two court-martials in sufficient detail. At the same time the Corps was uncharacteristically tolerant of Oswald's consuming *and well known* interest in Marxism and the Soviet Union. While he was in the Corps Oswald studied the Russian language, played Russian songs, subscribed to Russian language newspapers, and brushed up on his *Das Kapital* when free time permitted. These were not the kind of pursuits the Corps expected of its *especially those with security clearances* "gyrenes", when they were off duty. This open, in-your-face display of Russophilia *(?)* predictably drew attention from his fellow Marines. Some of them took to calling him "Oswaldskovich" or addressed him as "Comrade," usually to his genuine delight.⁴⁵

Oswald's self-professed Marxism and avid interest in things Russian never interfered with his Marine Corps security clearances. The Report hinted around that Oswald had a clearance "above the 'confidential' level" with access to certain kinds of

classified material. Actually, when he served overseas, in the Philippines for instance, Oswald had “Crypto” clearance, which required “Top Secret” as a prerequisite. His Marine Corps MOS (military occupation specialty) was Electronics Operator Airborne, which meant he worked with rather sophisticated radar equipment and systems. In May 1958 his radar crew played some role in the CIA’s covert “Operation Strongback”, an abortive attempt to topple the leftward-leaning government of Indonesia’s president Achmed Sukarno.⁴⁶ *list endpoints provided*

The Warren Commission knew about Oswald’s Crypto clearance but suppressed it from the official record. It was never even discussed in any of the on-the-record executive sessions. The Commission became intensely interested in Oswald’s tour of duty in the Philippines when it learned that an 18-year-old Marine in Oswald’s outfit died of a gunshot wound while guarding the crypto van at Cubi Point, in the Philippines. The dead Marine was Pvt. Martin D. Schrand. Schrand and Oswald had gone to the same *advanced* radar school in Biloxi, Mississippi, before being posted overseas in the same radar crew assigned to the ultra-secret crypto van. All six Marines attached to the crypto van had to have Crypto clearance, and that included Lee Harvey Oswald.⁴⁷ *not sure?*

Soon after the assassination the FBI went over Oswald’s Marine Corps records and came across Schrand’s death while on sentry duty on 5 January 1958. The Bureau’s interest was peaked by the fact that Oswald served with the unfortunate Schrand and by the rumors circulated by several Marines in Oswald’s outfit that he may have been responsible for Schrand’s death. After two criminal investigations into the case the Navy’s official 1958 verdict was accidental death with “no other person or persons involved in the incident.” After the FBI ran out its investigation into the rumors to no

avail, Rankin requested that the Judge Advocate General's (JAG) office review the record on the off chance that the facts of the case just might, upon reexamination, point to foul play. What better collateral evidence of Oswald's criminally violent nature to bolster the Commission's "reasonable" case than tying him to the murder of Pvt. Schrand. JAG did forward to Rankin two copies of the Schrand investigation establishing beyond any doubt that the Commission was aware of the status of Oswald's security clearance. After a review of the facts and interviews with the Marines identified with the rumors of Oswald's involvement, JAG was satisfied with the correctness of the original verdict. The Commission and the FBI, faced with disappointment in the Schrand matter, had to bear down on Marina to salvage a scintilla of probative value in her testimony on the Walker shooting. ⁴⁸

That the Commission studiously failed to make mention of Oswald's Crypto clearance cannot be attributed, at least in any conventional understanding, to national security reasons. This suppression was tied directly to the extraordinary circumstances surrounding his discharge from the Marines and subsequent defection to the Soviet Union. With less than two months of his enlistment remaining Oswald asked for a "hardship discharge" to take care of his ailing mother. This was a spurious request and the Marine Corps had to know it was a flat-out-lie. His discharge was scheduled for 11 September 1959, a week earlier Oswald applied for a passport from his stateside posting at Santa Ana, California. ⁴⁹ With the full knowledge and support from the Marine Corps his passport was issued on 10 September 1959, just six days later. Along with his passport application there were standard Marine Corps forms he had to fill out. Oswald matter-of-factly noted on these forms that he intended to visit, among other countries, the

The Marine did not classify it at all. - conforms with

what would be more likely in a CIA or any need to conjecture

Soviet Union and Cuba before enrolling as a student at Albert Schweitzer College in Switzerland and the University of Turku in Finland.⁵⁰ How did the Corps think Oswald was going to support his mother traipsing around communist countries and attending European institutions of higher learning? Why did alarm bells fail to go off when Marine PFC Oswald, with his unrevoked ultra-secret security clearance, flatly reported that he was going to spend some time in Russia and Castro's Cuba---at the height of the Cold War--- before pursuing a university degree? While the Commission included all of this in its 26 volumes of hearings and exhibits, it made no attempt to explain away these glaring *by* suspicious circumstances overrunning Oswald's Marine Corps service records. It was all passed over and ignored as though it was as unremarkable as water running down hill. The Warren Report fails to expend a word on his fraudulent discharge and treated the issuance of his passport as administratively routine.⁵¹ The Commission could have gone a long way to alleviate suspicions if it could have sighted just one other service record from any branch of the military as unconventional as Oswald's before he found his way to Russia and announced his intentions to U.S. Embassy officials in Moscow that he was going to seek Soviet citizenship.

When the Commission turned to speculating on Oswald's motives for assassinating the president it mentioned, in addition to his "commitment to Marxism or communism," a desire to "go down in history as a well-publicized assassin."⁵² Before Marina began testifying before the Warren Commission she wrote a rather lengthy handwritten document in Russian. The piece was translated and appears as Commission Exhibit 994 and identified only in the table of contents as "Narrative prepared by Marina Oswald." When Marina gave her accounts of the Walker shooting, as mentioned above,

they included elaborate details of Lee's preparation and his agitated state before the alleged attempt on the right-wing general.⁵³

In her narrative Marina recounts Lee's behavior when he visited her and the children at Ruth Paine's house on Thursday, 21 November 1963, the night before his rendezvous with history. She writes that Lee "was not particularly agitated." In fact, he played with June, his oldest toddler, "for a long time." Over dinner he told Marina he was tired of living alone and wanted to find an apartment large enough so he could be with her and the children. Marina demurred, she wanted to stay with Ruth Paine until after Christmas so they "could celebrate the holidays with friends." She mentioned President Kennedy's visit to Dallas and whether she could view it on the television. Lee seemed disinterested and was of no help. While she busied herself about the house after dinner Lee retired early. When she came to bed shortly after midnight Lee was fast asleep. The next morning Lee slept through the alarm clock. When Marina woke him he was running so late that he did not have time to make his own breakfast, which was his usual practice. Before he left for work, Marina would later recall at her 6 September 1964 session with the Commission, Lee asked if she had bought shoes for June. These was the last normal husband-wife exchange of words that passed between Marina and Lee.⁵⁴

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Chapter IV

Marina---The Commission's Star Witness

"If, as I hope, [the Sultan] grants me my wish, be sure that you wake me before the dawn, and speak to me these words: 'My sister, if you are not asleep, I beg you, before the sun rises, to tell me one of your charming stories.' Then I shall begin, and I hope by this means to deliver the people from the terror that reigns over them."

Scheherazada to Dinarzade, *The Arabian Nights*

Tasking themselves with proving that Oswald was the lone assassin when not a single credible witness saw him in the "sniper's nest" at the time of the shooting or in the TSBDB with a smoking rifle confronted the Commission with no small problem. It had to construct a convincing case to bridge the gap between allegation to verification. Or, as Rankin summarized the Commission's task, "to tell the story and to show why it is reasonable to assume that [Oswald] did what the Commission concludes that he did do." ¹

To avoid suspicions that it was building conjectural castles in the air the Commission turned to Marina N. Oswald, the alleged assassin's widow. She was the Commission's first witness. As for the Dealey Plaza shooting Marina was a witness to nothing. She was at home in Irving, a suburb of Dallas, some 15 miles away when the presidential motorcade was fired upon. Nevertheless, a cooperative Marina was indispensable to the Commission building a "reasonable" case against her husband. It was Marina, and not the physical evidence, who tied her dead husband to the attempt on General Walker's life. She was the only person who saw civilian Oswald with a military