

RELEASED PER P.L-102-526(JFK ACT)
NARA KJ DATE 12/14/09

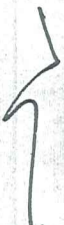
CONSIDERATIONS ON ADMISSIBILITY OF EVIDENCE.

1. Walker Incident. No one ever saw Oswald in the vicinity of Walker's home. The bullet fired at him was not identified as coming from his or any other rifle. Independent of the testimony of Marina Oswald there is nothing to connect the two events except the equivocal letter Marina says Oswald left at the time (which does not itself mention Walker; ~~Examine~~ it is undated; it refers to no independent event by which it can be linked to Walker or to April 10, 1963. Even assuming that Marina could testify as to the circumstances of finding it, this note shows only that Oswald expected some crisis and that he might be taken prisoner. The only other "evidence" consists of pictures of the Walker and surrounding premises taken with the Oswald camera. Therefore, regardless of the "other crimes" consideration, no firm evidence linking Oswald with this shooting attempt would be available in a court of law.

note

2. The rifle/and much other incriminating evidence was obtained from the Paine residence on the afternoon of November 22. At this time no search warrant had been obtained. Mrs. Paine had no right without a warrant to consent to a search of Oswald's personal effects segregated in her garage, and it does not appear that Marina gave any "knowing consent." Probably everything turned up on this search would have been inadmissible.

3. Marina Oswald would have been incompetent to testify against her husband on a trial of the case. Marina is the only person who has said she saw this rifle in Oswald's possession. She is the only source



Wato - if
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Oswald is
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operation

June 29, 1964

6/29/1964

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TO: SENATOR RUSSELL

FROM: FREDDA SCOBEEY

It appears that staff members will be present at the meeting this afternoon. Several of them wished presented the question of whether Marina Oswald should be further cross examined. As a matter of fact, when she was examined the second time a list of questions were prepared, but the Chief Justice gave instructions that cross examination should not be pressed beyond a discussion (primarily) of the Nixon-bathroom episode. My understanding is that these were given directly to Mr. Rankin who so informed other staff members. It was requested that the question be brought up before the full Commission; Mr. Rankin indicated he could not do so; no other staff member wants to "beard the lion" but I think some of them might speak out if the issue were raised. The following points occur to me off hand:

1. Marina directly lied on at least two occasions:

(a) When asked where she first heard the name "Hidell" she said on the radio broadcast Oswald took part in after the Fair Play for Cuba incident. She later admitted she had signed the name on one of the alias cards about FPCC membership under Oswald's direction, and the name Hidell actually was not mentioned on the radio broadcast, as examination of the tape shows.

(b) She first said she locked Lee in the bathroom to keep him from going after Nixon with his pistol. She later admitted this was

untrue, but that she used psychological means to effect the same end.

(c) A prior lie is involved in Marina giving answers to the US Embassy in Moscow to the effect that she belonged to no Communist organizations except the Trade Union group, which was in fact exempted because membership therein was necessary for her to obtain employment. She did in fact belong to COMOSOL, the youth group which gives instruction preparatory to going on to the Communist Party membership, which Marina was not eligible for at the time she left Russia because of her age.

2. There is the unexplained incident of the rifle ~~fire~~ allegedly left to get sighted at Dyal Rider's Irving Sports Shop early in November (not the same rifle as that used to shoot the President) with the name "Oswald" on the repair tag. Intensive investigation turned up no other Oswald who admitted to leaving a rifle there. The testimony of the Sport Shop employee may be fabricated, but it is supported by that of two women who say that three persons, whose descriptions match those of Oswald, Marina, and the baby Rachel, came to the store inquiring directions to a gun repair shop and that they were sent to Irving Sports Shop. Marina stated definitely that she never went out with the baby, Rachel, during this time. Other evidence is fairly conclusive that she frequently did so.

3. Marina said Oswald told her Lee said the Soviets begged him to become a citizen and he refused. All his other statements are to the contrary, but in this case it may be Lee who was lying to Marina.

4. Testimony of other witnesses is to the effect Marina told them that in late 1962 she either talked about or attempted suicide; that Lee found out about this and said "only crazy people commit suicide." He, of

of information as to Oswald's alleged decisions to shoot General Walker and Vice President Nixon. I believe she is the only person to identify as Oswald's the camera which made the snapshot showing Oswald holding a rifle and with a pistol strapped to his belt. (These weapons resemble but cannot be absolutely identified as being the weapons in question.) Marina is the only source of much damaging testimony, such as that Oswald wanted to hi-jack an airplane to go to Cuba, that the letters written by her to the Soviet Embassy seeking a Soviet visa were under duress from him; that she knew in advance of the Mexico trip and thought he was probably intending to go to and remain in Cuba (of course we know he did contact the embassies there with this destination in view) ; that he forced her to sign the name "Hidell" to one of the forged identification cards; that he took the rifle out to practice, and so on.

Was he in Mexico

Further, Marina Oswald has contradicted herself many times. She first told the FBI she did not know Oswald was planning to go to Mexico. She said she did not know about "Hidell" until the FPCC debate in New Orleans in August; later admitted she signed the card before that. (Tapes of the debate show no mention of "Hidell"). She first said she locked him in the bathroom the morning of the Nixon episode; later admitted this was impossible and she did not even remember whether the door had a lock or which way it opened. She is open to very serious impeachment through prior contradictory statements.

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... see ... mentioned on the ...
... his ... after Nixon with his rifle ... She later admitted this use

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BUELL WESLEY FRAZIER

Frazier has been consistent all the way through in describing a package too small to contain the dismantled rifle, and so has his sister. Their estimates have always been 24 to 28 inches. Further, in very early interviews with the FBI, Frazier said the package extended "about half way" across the back seat, and that Oswald carried it into TSED with one end under his arm and the other cupped in his right hand. His sister described him as holding it by or near one end, and the other swinging just off the ground. Both measured with their hands several times, and the measurement always came out between 26 and 28 or 29 inches.

The Frazier testimony is the only testimony on which a finding that Oswald brought the gun into the building on November 22 can be predicated. Further, the report stresses Oswald's propensity to lie, in regard to which the "curtain rod story" is Exhibit A.

*Add line
the finding
of curtain rods*

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Marina's nature

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*Stott
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Scobey
Box 21*

#35

*Marina's
Credibility is
guaranteed
by
Scobey*

*P-2
Walker
incident*

5. There is some testimony about witnesses identifying Lee Oswald as having been target shooting at the Sports Drome Rifle Range in November, 1963. Marina was only asked about this in the form of a question about whether he had done any target shooting at the Grand Prairie Range. Her answer that he did not take the gun out for target practice there to her knowledge seems to be cast in the form that he could not have taken the gun out to practice anywhere, but the answer could be a skillful parry of the question. Her skill in this regard has been commented on by others reading her testimony.

6. Her testimony about the Walker incident is corroborated only by the maps and pictures of the Walker residence found among his effects. If she were actually lying about this, the documents could of course have very well been planted.

The area becomes important for the reason that a number of conclusions in the report are supported mainly, perhaps some of them only, by Marina's testimony.

Marina is making quite a fortune out of this assassination. It does seem to me that if her testimony lacks credibility there is no reason for sheltering her. The above spots where her veracity was not tested are perfectly obvious to any person reading the report in connection with the transcript, and it might become a policy matter whether this decision to brush her feathers tenderly is well advised.

*shattered by
Warren*

*See
F. Scobey
#2
for
this*

[Handwritten scribble]

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44
Alfreda
Scooby
Box 21
PG 272
Entry 44
Alfreda
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HELEN MARKHAM

This eyewitness to the Tippett shooting is a waitress, 47 years old, 8th grade education. She recognizes Ruby as having occasionally eaten at her café. She made statements or gave affidavits on 11/22 (?); 12/2, 3/16, prior to testimony before Commission. Identified Oswald at a show-up on 11/22.

Notes:

1. An FBI statement quotes her as saying the assailant had bushy ~~black hair~~ black hair and a red complexion, which she denies saying.
2. The various statements give three statements as to time; 1:06; "about 1:00", "about 1:30". In testimony she narrowed this to between 1:10 and 1:15.
3. An source I am not sure of (probably Mark Lane) quotes her son as saying she is a pathological liar.
4. She stated Oswald leaned his arms on the door and looked in the open window of Tippett's automobile. One of the Davis girls stated this window was closed. The TV films taken before the car was moved show the window closed.
5. Markham screamed and covered her eyes at the shots. She was hysterical when first interviewed, was taken to the police station and given sedation, and after this participated in the line-up. The amount of