

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

5A

Key
Doc

Source:
RG 272 #13

Tell Marina - actual stuff

CONSIDERATIONS ON ADMISSIBILITY OF EVIDENCE.

Marina
Files

File - Walker shooting

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; ~~know~~ 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.

blanket

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

note

WFO - if
have
Paine
plan
trial for
Oswald is

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Marina's notes

*No 272
Entry 4/1
off*

*Filed - Staff
Member
Freda
Scobey
Box 21*

#3

*Marina's
Credibility is
questioned
by
Scobey*

*P-2
Walker
incident*

5. There is some testimony about witnesses identifying Lee Oswald as having been target shooting at the Sports Dome 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*