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Charge I : Violation of the Uniform Code of Military Justice, Article 117

Specification: In that Loe H. OSWALD, Private, U. S. Marine Corps, Marine Air Control Squadron 1, did, at the Bluebird Cofe, Yamato, Japan, on or about 20 June 1953, wrongfully use provoking words, to wit: "You're yellow because you won't go outside and fight mo", or words to that effect, towards Technical Sergoant Miguel RODRIGUEZ Jr., U. S. Marine Corps.

Charge II : Violation of the Uniform Code of Military Justice, Article 128

Specification: In that Lee H. OSWALD, Private, U. S. Marine Corps, Marire Air Control Squadron 1, did, at the Eluebird Cafe, Yamato, Japan, on or about 20 June 1958, assault Technical Sergeant Miguel RODRIGUEZ Jr., a Noncommissioned Officer of the United States Marine Corps, by pouring a drink on him, and saying, "Let's go outside," or words to that effect.

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If this space is insufficient for all charges and apacifications, they will be set forth numerically, front to back, on separate sheets attached to this page.

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SIGNATURE OF ACCUSER /		TYPED NAME AND GRADE	DRGANIZATION
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GEORGE KIDD		MSgt	c/o FPO, Son Francisco, Cal
		AFFIDAVIT	
Before me, the	undersigned, author	ized by law to adm	inister oaths in cases of thi
character, persona	lly appeared the ab	ove-named accuser	this 26th day of June
19 30, and signed	the foregoing charg	es and specification	onsunder oath that he is a per
son subject to the	Uniform Code of Mi	litary Justice, and	d that he either has persona therein, and that the same ar
true in fact, to t	he best of his know	ledge and belief	therein, and that the same or
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Willard D	Garrett	Capt., USMC.	
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HEADQUARTERS
1ST MARINE AIRCRAFT WING, AIRCRAFT, FMF, PACIFIC
C/O FLEET POST OFFICE, SAN FRANCISCO, CALIFORNIA

289/jfm Al7-3 161-5U 9 July 1958

MELICRANIUM

From: Wing Iaw Specialist To: Chief of Staff

Subj: Summary Court-Martial, case of Lee H. Oswald, private, USMC

- 1. Subject court-martial has been reviewed pursuant to the provisions of Article 65c, Uniform Code of Military Justice.
- 2. In reviewing said case no errors or irregularities were noted, other than the failure of the record to reflect legally admissible evidence of the one prior conviction considered by the court. The accused pleaded not guilty to all charges and specifications. Since he was found guilty of only one charge and specification the summary of the evidence will be limited to the approved findings only.
- 3. Technical Sergeant Rodriguez and two companions were seated in a Cafe. The accused approached their table. He spilled part of a drink on the Technical Sergeant. Whether this was accidentally or not was an issue in the case. Apparantly the court decided that it was accidental. When the drink was spilled the Technical Sergeant arose and shoved the accused away. This resulted in the accused inviting the sergeant outside. The Sergeant testified that the actual words alledged were used. This was corroborated by another witness. The accused testified in his own behalf. The substance of his testimony was that he felt that the Sergeant had it in for him. He had asked to be transferred from under his cognizance. This had been refused. He testified that he went over to see the sergeant for the purpose of discussing the situation with him; that the drink was spilled accidentally; and that he was somewhat intoxicated. He remembered inviting the accused outside but did not remember calling him yellow or anything like that.
- 4. The findings are correct in law and fact and the evidence is sufficient to establish guilt beyond reasonable doubt. The victims' testimony was corroborated by disinterested witnesses; the accuseds' testimony admitted certain material aspects of it; and did not deny uttering the words charged. As a matter of fact his competency as a witness is seriously impared by his own admission that he was drunk.

269/jfm Al7-3 161-5U 9 July 1958

5. Even without evidence of the one prior conviction the sentence is legal and appropriate for the offense. This was determined by reference to the table of maximum punishments contained in WEM 1951, and by reference to sentences imposed in like cases. Its approval is recommended. An action reflecting my recommendation has been prepared for your consideration.

Very respectfully,

MARVIN P. MCRTON, JR. C Commander, U. S. Navy

HEADQUARTERS 1ST MARINE AIRCRAFT WING, AIRCRAFT, FMF, PACIFIC c/o FLEET POST OFFICE, SAN FRANCISCO, CALIFORNIA

257/jfm A17–3 161–SJ

In the foregoing case of Lee H. Oswald, private, U. S. Marine Corps, the sentence as approved and ordered executed by the convening authority is approved.

This record has been reviewed in accordance with the provisions of Article 65c, Uniform Code of Military Justice. The record of trial will be disposed of in accordance with 1955 NS FCM, Section 0120.

y / neces

E. W. SMEDS
Colonel, U. S. Marine Corps
Chief of Staff, lst Marine Aircraft Wing, Aircraft, FMF, Pacific Supervisory Authority

Copy to: CO, MACS-1 CO, MAG-11 MARINE AIR CONTROL SQUARRON 1
MARINE AIRCRAFT GROUP 11
IST MARINE AIRCRAFT WING, AIRCRAFT, FMF, PACIFIC
C/O FLEST POST CFFICE, SAN FRANCISCO, CALIFORNIA

3 July 1958

From: Sumary Court-Martial

To: Wing Logal Officer, 1st Marine Aircraft Wing, AirFNFPac

Subj: Summary of Evidence, case of Los H. OSWALD Private 1653230/6741 USMC; submission of

1. The Surrary of evidence in the case of trial by Surrary Court-Martial on 27 June 1956 in the case of Private Lee H. OSWALD 1653230/6741 USAC is submitted herewith.

U. D. GARRETT Capt. USMG SUMMARY OF EVIDENCE IN THE CASE OF PRIVATE LEE H. OSMALD 1653220/6741 USMC, HELD AT MARKE AIR CONTROL SQUADRON 1, MARKE AIRCRAFT GROUF 11, ATSUGI, JAPAN ON ST JUNE 1958

The following witnesses for the prosecution were eworn and testified in substance as follows:

Technical Sergeant Miguel RODRIGUEZ, Jr. Marine Air Control Squadron 1, Marine Aircraft Group 11, lot Marine Aircraft Wing, Aircraft, FMF, c/o Floet Post Office, San Francisco, California.

DIRECT EXAMINATION

I know the accused, Private OSMALD. On the night of 20 June Staff Sorgaant MILAM and I went into the Blue Bird Cafe in Yamato and cat down to order beers. The accused came over to where we were sitting and poured a drink on me. I jumped up and shoved him away then he asked me to come outside with him. I told him I didn't want to jeopardice my six years ingrade as a Technical Sergeant by fighting with a Private. He said that I was yellow if I didn't come outside and fight. I had sat back down in my seat when the MP's came. We went to the MP shack and I told them what happened.

CROSS - EXAMINATION

I pushed the accused away from me and stood up as the accused had poured a drink on me. I said nothing to the accused until after this.

Staff Sorgeant James N. MILAM, Marine Photographic Squadron 1, Marine Aircraft Group 11, let Marine Aircraft Wing, Aircraft, FAF, c/o Fleet Post Office, San Francisco, California.

DIRECT EXAMINATION

I know the accused Private OSWALD. On the night of 20 June, 1958, Technical Sorgeant RODRIGUEZ, myself and my girl went into the Blue Bird Cafe in Yamato and were sitting down drinking a beer. The accused came over to the table and poured a drink on TSgt. RODRIGUEZ. Then RODRIGUEZ jumped up and they cort of scuffled around. I went over and asked the "Mama San" to call the MPs. When we sat back down the accused came back to the table and called RODRIGUEZ a "yellow Marican" and asked him to come outside. The MP's came in and we all went to the MP station.

CROSS - EXAMINATION

I would say that after RODMIGUEZ jumped up they sort of scuffled, not much of a scuffle. I know the drink was poured deliberately because of the manner in which it was done. The drink hit RODMIGUEZ on the left leg.

whoke ago and that the accused gave me the impression that the Staff NCO's, including Tight RODNIGUIZ, were picking on him. I reasoured the accused that this was not so. The accuse the dead to relieve him from TS3t RODNIGUIZ's crow, but since I believed to council a charges to be unfounded, I saw no reason to do so. Later, TS.

BRIGUEZ was relieved from the crow to become NCOIC of operations.

GROSS*EXAMINATION

I had instructed TEgt. RODEGGUEZ to keep an eye on the accused to see that he was doing a proper job. TEgt RODEGGUEZ reported several time that the accused was not doing a good job. The only complaint I remember receiving directly from the accused was one time when he was desired overnight liberty. I tried generally to arbitrate disputes between personnel rather than to transfer people from one crew to another. This is that was done in the case of the accused. After the talk I had with the accused about five wasks ago, I cautioned TEgt RODRIGUEZ to do nothing which might be construed as picking on the accused.

RE_DIRECT EXAMINATION

(In view of the court's opinion that the witness was hostile to the defense, accused was allowed to use leading questions.)

Regarding the assertion by the accused that he came off guard duty at 0000 one day and that he worked that day and then was put on mess duty the next day. I didn't instruct TCgt MODRIGUEZ to assign the accused to these duties but he had been told that he could assign anyone who wasn't doing a good job to any extra duties he wanted to.

RE-CROSS EXAMINATION

I approved of the assignment of the accused to guard and mess duty. The accused made no complaint to me at the time.

The rights of the accused as a witness were explained to him by the court. The accused elected to take the stand as a witness. He was sworn and testified in substance as follows:

DIRECT EXAMINATION

I am the accused in this case. On the night of 20 June 1958 I was sitting in the Bluebird Cafe in Yamato when TSgt RODRIGUEZ and SSgt MILAN came in and set down. I walked over to talk to TSgt RODRIGUEZ and my drink fell out of my hard and hit him on the kare. He jumped up and shoved me away and then set back down. I went back to try and talk to him about why he was assigning me to all those extra duties, man to man like, when the MP's came in, and took me to the MP Station.

RE-DIRECT EXAMINATION

I didn't recognize the accused when he first came over to the teb then I saw ho was the same guy who had challenged RODRIGUEZ a couple of weeks tefore.

The witness was warned by the Court to restrict his answers to material matters and that assertions about provious actions of the

I am sure that the drink was poured deliberately. I was watching the accured when he did it.

I told the "Mana San" to call the MPs because I didn't want TSgt. RODRIGUEZ to get in any trouble. TSgt. RECRICUEZ didn't tell me to

The defense (accused) made an opening statement.

I wish to show that I attempted to got out from under TS3t. HODRIGUEZ authority as much as seven weeks ago. I didn't say anything to TSIt. RODRIGUEZ on the night in question until he had pushed me and I spilled the

The following witnesses for the defense were sworn and testified substantially as follows:

Lieutenant Colonal Norman D. GLENN, Marino Air Control Squadron l. Marine Aircraft Group 11, Let Marine Aircraft Wing, Aircraft, FWF, c/o Fleet Post Office, San Francisco, California

DIRECT EXAMINATION (By Accused)

I know the accused, Private OSWALD. The accused came to me at request most on 26 May and asked that his overseas extension be cancelled because he was not getting along with someone in his section.

CROSS - EXAMINATION

The accused did not state with whom he was not getting along with. I did not compect TSgt. RODRIGUEZ with this problem

First Licutemant Charles R. RHODES, Marino Air Control Squadron 1, Marine Aircraft Group 11, 1st Marine Aircraft Wing, Aircraft, FNF, c/o DIRECT EXAMINATION

I know the accused, Private OSWALD. My position is assistant Operations Officer and, as such, I am technically in charge of the accused's work. I recall a general meeting held of the operations personnel about five

CROSS EXAMINATION

I didn't drop the glass the drink was in, it just sort of hit the edge of the table and poured out.

(Acoused here asked if he could relate to ensure questions regarding what he said to TSgt. ROBRIGUEZ. The verning he received prior to electing to take the stand in his own defense was reiferated and he was reminded that he had vaived the privileges against self-incrimination with respect to cross-exemination on any offense which he testified in denial coexplanation.)

I asked TEgt. RODRIGUEZ to step outside to fight after he had shoved ma. I don't recall calling him yellow. I didn't make any statements to the MPs because I was sort of drunk at the time.

FPO, San Francisco, California None RECORD OF SERVICE INITIAL DATE OF CURRENT SERVICE 24. October 1956 PRIOR SERVICE (A. to each prior period of service, five inclusive dates of service and organization, if available.) None DATA AS TO WITHESSES	e, leg	Ħ
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: Vialation of the Uniform Code of Military Justice, Article 92

Specification: In that Private First Class Lee H. OCMALD, U. S. Marine Corps, Marine Air Control Squadron 1, Marine Aircraft Group 11, First Marine Air Wing, Floet Marine Force, Pacific, did, at Earracks #5, Naval Air Station, Atsugi, Japan on or about 2030 hours on 27 October 1957, violate a lawful general order, to wit, paragraph 10a, 10b, 10e CGMAVFORJAPAN INST 50SO.1C dtd 18 October 1957, by having in his possession a privately-owned weapon that was not registered.

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If this space is insufficient for all charges and specifications, they will be set forth numerically, front to back, on separate sheets attached to this page.

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have this date informed the acc	cused of the	charges ngai	nst him (<i>HCH</i> , 32 <u>f</u> (1)).
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Approved and ordered executed, but the confinement at hard labor for twenty days is supported for six months, at which time, unless the suspension is sooner vacated, the sentence to confinement at hard labor for twenty days will be remitted without further action. The forfeitures shall apply to pay and allowances becoming due on and after date of this action. The forfeitures shall apply to pay and allowances becoming due on and after date of this action. SIGNATURE N. D. GLERM, LtCol USMC, MACS-1 MAG-11 LSTMAN EMF, c/o FPO San Francisco, Calif. TERED ON APPROPRIATE PERSONNEL RECORDS IN CASE OF CONVICTION. (MCM. PIc) ADE AND DESIGNATION OF OFFICER RESPONSIBLE FOR THE ACCUSED'S RECORDS R. E. LEWIS JR. 2ndLt., Adjutant	Sict in blank numbers of pertinent ariate. For use unless department.	AL regulations pr	event nuch election Efuse contsmaint w	DER AHTICLE 15 A	d charges", as may	11.0
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HEAL WATER S IST MARINE ARGAST REG, ALGUAFT, FLF, PACIFIC C/O FARAT PAST OFFICE, SAN FRANCISCO, CAMPRIMIA

> 257/dri A17-3 160-SU FAY 2 1959

In the foregoing case of Lee II. Oswald, private first class, U.S. Marine Corps, the sentence as approved, ordered executed and suspended by the convening authority is approved.

By copy here the convening authority is advised that the proceedings, findings, and the sentence of the case are final and conclusive in the sense of Article 44 and 76 of the Uniform Code of Military Justice. Accordingly, the convening authority is directed to take the administrative action required by 1955 NS KCM, Section Oll8, with respect to the service record book of the accused.

This record has been reviewed in accordance with the provisions of Article 65c, Uniform Code of Military Justice. The record of trial will be disposed of in accordance with the provisions of 1955 NS IDM, Section 0120.

E. K. SEEDS

Colonel, U. S. Marine Corps Chief of Staff, 1st Marine Aircraft Wing, Aircraft, FMF, Pacific Supervisory Authority

Copy to: CO, MAG-11 CO, MACS-1

MARINE AIR CONTROL SQUADRON 1 MARINE AIRCRAFT GROUP 11 1ST MARINE AIRCRAFT WING, AIRCRAFT, FMF, PACIFIC C/O FLEET POST OFFICE, SAN FRANCISCO, CALIFORNIA

NDG/rdp Al7 10May58

From: Commanding Officer

To: Commanding General, 1st Marine Aircraft Wing (Supervisory Authority)

Subj: Delay in preferring charges, case of Private First Class Lee H. OSWALD 1653230 USMC

- Ref: (a) Report of Investigation, Case 15-58, Criminal Investigation Section, Office of the Provost Marshal, MAG-11, NAS Atsugi, Japan
- 1. In the subject case, the delay in preferring charges was the result of the following factors:
- a. Private First Class OSWALD was confined at the Naval Hospital Yokosuka, Japan undergoing treatment for the gunshot wound from 27 October 1957 to 16 November 1957.
- b. This organization was on extended field manusers from 18 November to 18 March 1958 during which time the investigation could not be handled by squadron personnel.
- c. The Report of Investigation by the MAG-11 Provest Marshal (Ref a) was not completed until 7 April 1958 and not received until 9 A pril 1958.
- d. Office hours were held on 10 April 1958 and the Charge Shoet prepared on 11 April 1958.
- 2. During the period between the commission of the offense and his courts—martial Private First Class OSWALD was not subject to any disciplinary restraint and it is not considered that the delay resulted in any injustice.

N. D. GLENN

STATEMENT OF Captain Francis J. GAJEWSKI 060577/7333 USMC

I have been the supervisor of Private First Class OSJALD for the post twelve menths. During the period he has worked directly under me in the operations center, here in MACS-1. He has worked on the plotting boards and has done other routine jobs in the operations center. As a matter of fact he has done very good work for me. I would desire to have him work for me at any time.

During operation SCHORGBACK he performed duties as squadron messmen. His work was nighty satisfactory. He did ask no n couple or times if I would help to get him off mess duty. However there was nothing I could do for him.

While I have known him he has given me the impression that he minds his bussiness and does his job well. If I were to rate him for conduct and proficiency at this time I would sward him 3.9 for proficiency and a 4.0 for conduct.