

CHARGE SHEET

PLACE NAS Atsugi, Japan		DATE 24 June 1958
ACCUSED (Last name, First name, Middle initial) (List aliases when material.) OSWALD Leo H.		SERVICE NUMBER 1653230
ORGANIZATION AND ARMED FORCE (If the accused is not a member of any armed force, state other appropriate description showing that he is subject to military law.) MACS-1 MAG-11 1stMAW FMF, c/o FPO, San Francisco, California		GRADE Pvt
DATE OF BIRTH 18 October 1939		PAY PER MONTH
CONTRIBUTION TO FAMILY OR QUARTERS ALLOWANCE (MCM, 12AN (2)) None		BASIC \$ 83.20
		SEA OR FOREIGN DUTY \$ 8.00
		TOTAL \$ 91.20
RECORD OF SERVICE		
INITIAL DATE OF CURRENT SERVICE 24 October 1956		TERM OF CURRENT SERVICE 23 October 1959
PRIOR SERVICE (As to each prior period of service, give inclusive dates of service and organization in which serving at termination, if available.) None		
DATA AS TO WITNESSES		
NAME OF WITNESS	ADDRESS	WITNESSES FOR PROSECUTION ACCUSED
MILAM, James N. SSgt	VMJ-1 MAG-11 1stMAW FMF, c/o FPO, San Francisco, California	X
RODRIGUEZ, Miguel Jr. TSgt	MACS-1 MAG-11 1stMAW FMF, c/o FPO, San Francisco, California	X
GLENN, Norman D. LtCol	MACS-1 MAG-11 1stMAW FMF, c/o FPO, San Francisco, California	X
RHODES, Charles R. 1stLt.	MACS-1 MAG-11 1stMAW FMF, c/o FPO, San Francisco, California	X
DOCUMENTS AND OBJECTS		
LIST AND DESCRIBE. IF NOT ATTACHED TO CHARGES, NOTE WHERE IT MAY BE FOUND. None		
DATA AS TO RESTRAINT		
NATURE OF ANY RESTRAINT OF ACCUSED Restraint	DATE 21 June 1958	LOCATION NAS Atsugi, Japan

DD FORM 1 DEC 55 458

1

REPLACES DD FORM 458, 1 MAR 51, WHICH IS OBSOLETE.

Rec'd in crI 1963

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

Specification: In that Lee H. OSWALD, Private, U. S. Marine Corps, Marine Air Control Squadron 1, did, at the Bluebird Cafe, Yamato, Japan, on or about 20 June 1958, wrongfully use provoking words, to wit: "You're yellow because you won't go outside and fight me", or words to that effect, towards Technical Sergeant 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, Marine Air Control Squadron 1, did, at the Bluebird 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.

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.

SIGNATURE OF ACCUSER <i>George Kidd</i> GEORGE KIDD	TYPED NAME AND GRADE MSGT	ORGANIZATION MACS-1 MAG-11 1stMAW FMF, c/o FPO, San Francisco, Calif
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AFFIDAVIT

Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accuser this 26th day of June, 1958, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice, and that he either has personal knowledge of or has investigated the matters set forth therein, and that the same are true in fact, to the best of his knowledge and belief.

C. P. Williams
C. P. WILLIAMS

1stLt., MACS-1 MAG-11 1stMAW FMF

SIGNATURE

GRADE AND ORGANIZATION OF OFFICER

Adjutant

OFFICIAL CHARACTER, AS ADJUTANT, SUMMARY COURT, ETC.
(MCM, 29g, and Article 30g, and 33g)

Officer administering oath must be a commissioned officer.

26 June 1958

DATE

I have this date informed the accused of the charges against him (MCM, 32f(1)).

C. P. Williams

C. P. WILLIAMS

SIGNATURE

1stLt., USMC, Adjutant, MACS-1 MAG-11

GRADE AND ORGANIZATION OF IMMEDIATE COMMANDER

MACS-1 MAG-11 1stMAW FMF, c/o FPO,
San Francisco, California
DESIGNATION OF COMMAND OF OFFICER EXERCISING
SUMMARY COURT-MARTIAL JURISDICTION

NAS Atsugi, Japan

PLACE

26 June 1958

DATE

The sworn charges above were received at 1600 hours, this date (MCM, 33b).

~~XXXXXXXX~~

N. D. Glenn

N. D. GLENN, LtCol., USMC, Commanding Officer

SIGNATURE, GRADE, AND OFFICIAL CAPACITY OF OFFICER SIGNING

1ST INDORSEMENT

MACS-1 MAG-11 1stMAW FMF, c/o FPO,
San Francisco, California
DESIGNATION OF COMMAND OF CONVENING AUTHORITY

NAS Atsugi, Japan

PLACE

26 June 1958

DATE

Referred for trial to the SUMMARY court-martial appointed by

My appointing order

2 May

19 58,

subject to the following instructions:

2 None

~~XXXX~~

of

COMMAND OR ORDER

N. D. Glenn

N. D. GLENN, LtCol., USMC, Commanding Officer

SIGNATURE, GRADE, AND OFFICIAL CAPACITY OF OFFICER SIGNING

I have served a copy hereof on each of the above-named accused, this 27th day of

June

19 58.

Willard D. Gassett

SIGNATURE

Capt., USMC, MACS-1 MAG-11

GRADE AND ORGANIZATION OF TRIAL COUNSEL

^{1/} When an appropriate commander signs personally, inapplicable words are stricken out. ^{2/} Relative to proper instructions which may be included in the indorsement of reference for trial, see MCM, 33j(1). If none, so state.

Fill in blank numbers of pertinent charges and specifications or "all specifications and charges", as may be appropriate. For use unless departmental regulations prevent such election (MCM, 32(2)).

THE ACCUSED HAS BEEN PERMITTED AND HAS ELECTED TO REFUSE PUNISHMENT UNDER ARTICLE 15 AS TO

GRADE AND ORGANIZATION OF OFFICER EXERCISING JURISDICTION UNDER ARTICLE 15 SIGNATURE

RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

CASE NUMBER
(Inserted by convening authority)

TO BE FILLED IN BY THE ACCUSED

I CONSENT OBJECT TO TRIAL BY SUMMARY COURT-MARTIAL

SIGNATURE OF ACCUSED
Leo M. C. ...

TO BE FILLED IN BY SUMMARY COURT IF APPLICABLE

When an accused has been permitted and has elected to refuse punishment under Article 15, trial by summary court-martial may proceed despite his objection.

1. THE ACCUSED, HAVING REFUSED TO CONSENT IN WRITING TO TRIAL BY SUMMARY COURT-MARTIAL AND NOT HAVING BEEN PERMITTED TO REFUSE PUNISHMENT UNDER ARTICLE 15, THE CHARGES ARE HEREWITH RETURNED TO THE CONVENING AUTHORITY.

GRADE AND ORGANIZATION OF SUMMARY COURT OFFICER SIGNATURE

~~Capt., MACS-1 MAG-11 1stMAW FMF,~~

2. WAS THE ACCUSED ADVISED IN ACCORDANCE WITH PARAGRAPH 79d, MCM, 1951? YES

SPECIFICATIONS AND CHARGES	PLEAS	FINDINGS	SENTENCE OR REMARKS
Sp: Ch. I	NG	G	To be confined at hard labor for Twenty-eight days and to forfeit \$55.00 per month for One (1) month
Ch. I	NG	G	
Sp: Ch. II	NG	NG	
Ch. II	NG	NG	
			NUMBER OF PREVIOUS CONVICTIONS CONSIDERED (MCM, 75b(2)) One (1)

PLACE
MACS-1 MAG-11 1stMAW FMF, c/o FPO, San Francisco, California DATE
27 June 1958

GRADE, ORGANIZATION AND ARMED FORCE OF SUMMARY COURT OFFICER (MCM 4g) SIGNATURE
Capt., MACS-1 MAG-11 1stMAW FMF, USMC *Willard D. Garrett*

TO BE FILLED IN BY CONVENING AUTHORITY (MCM, 89, and app. 14g.)

ORGANIZATION MACS-1 MAG-11 1stMAW FMF, c/o FPO, SFran, Calif PLACE NAS Atsugi, Japan DATE 27 June 1958

ACTION OF CONVENING AUTHORITY
Approved and ordered executed. NAS Atsugi Brig is designated as the place of confinement. The forfeitures shall apply to pay and allowances becoming due on and after date of this action.

GRADE AND ORGANIZATION OF CONVENING AUTHORITY SIGNATURE
LtCol., MACS-1 MAG-11 1stMAW FMF *N. D. ...*

ENTERED ON APPROPRIATE PERSONNEL RECORDS IN CASE OF CONVICTION. (MCM, 91c)

GRADE AND DESIGNATION OF OFFICER RESPONSIBLE FOR THE ACCUSED'S RECORDS SIGNATURE
1stLt., Adjutant *C. P. ...*

NOTE: Summary of evidence, if required by the convening or higher authority, will be attached on separate pages.

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

289/jfm
A17-3
161-EU
9 July 1958

MEMORANDUM

From: Wing Law Specialist
To: Chief of Staff

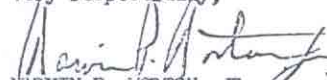
Subj: Summary Court-Martial, case of Lee H. Oswald, private, USMC

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 accidental or not was an issue in the case. Apparently 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 accused's 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 impaired by his own admission that he was drunk.

289/jfm
A17-3
161-SU
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 ECM 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. MORTON, JR.
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-SU

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 MEM, Section 0120.



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

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

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

3 July 1958

From: Summary Court-Martial
To: Wing Legal Officer, 1st Marine Aircraft Wing, AirFMFPac
Subj: Summary of Evidence, case of Lee H. OSWALD Private 1653230/6741
USMC; submission of

1. The Summary of evidence in the case of trial by Summary Court-Martial on 27 June 1958 in the case of Private Lee H. OSWALD 1653230/6741 USMC is submitted herewith.

W. D. Garrett
W. D. GARRETT
Capt. USMC

SUMMARY OF EVIDENCE IN THE CASE OF PRIVATE LEE H. OSWALD 1653255/6741
USMC, HELD AT MARINE AIR CONTROL SQUADRON 1, MARINE AIRCRAFT GROUP 11,
ATSUGI, JAPAN ON 27 JUNE 1958

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

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

DIRECT EXAMINATION

I know the accused, Private OSWALD. On the night of 20 June Staff Sergeant MILAM and I went into the Blue Bird Cafe in Yamato and sat 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 jeopardize my six years in grade 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 Sergeant James N. MILAM, Marine Photographic Squadron 1, Marine Aircraft Group 11, 1st Marine Aircraft Wing, Aircraft, FMF, c/o Fleet Post Office, San Francisco, California.

DIRECT EXAMINATION

I know the accused Private OSWALD. On the night of 20 June, 1958, Technical Sergeant 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 sort 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 Mexican" 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 RODRIGUEZ 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 RODRIGUEZ on the left leg.

weeks ago and that the accused gave me the impression that the Staff NCO's, including TSgt RODRIGUEZ, were picking on him. I reassured the accused that this was not so. The accused asked me to relieve him from TSgt RODRIGUEZ's crew, but since I believed the accused's charges to be unfounded, I saw no reason to do so. Later, TSgt RODRIGUEZ was relieved from the crew to become MCCIC of operations.

CROSS-EXAMINATION

I had instructed TSgt. RODRIGUEZ to keep an eye on the accused to see that he was doing a proper job. TSgt RODRIGUEZ reported several times 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 denied overnight liberty. I tried generally to arbitrate disputes between personnel rather than to transfer people from one crew to another. This is what was done in the case of the accused. After the talk I had with the accused about five weeks ago, I cautioned TSgt 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 CSCO one day and that he worked that day and then was put on mess duty the next day. I didn't instruct TSgt RODRIGUEZ to assign the accused to those 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 MILAM came in and sat down. I walked over to talk to TSgt RODRIGUEZ and my drink fell out of my hand and hit him on the knee. He jumped up and shoved me away and then sat 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 table then I saw he was the same guy who had challenged RODRIGUEZ a couple of weeks before.

The witness was warned by the Court to restrict his answers to material matters and that assertions about previous actions of the accused were not admissible.

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

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

The defense (accused) made an opening statement.

I wish to show that I attempted to get out from under TSgt. RODRIGUEZ authority as much as seven weeks ago. I didn't say anything to TSgt. RODRIGUEZ on the night in question until he had pushed me and I spilled the drink on him accidentally.

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

Lieutenant Colonel Norman D. GLENN, Marine Air Control Squadron 1, Marine Aircraft Group 11, 1st Marine Aircraft Wing, Aircraft, FMF, 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 mast on 26 May and asked that his overseas extension be cancelled because he was not getting along with someone in his section. I denied his request.

CROSS - EXAMINATION

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

First Lieutenant Charles R. RHODES, Marine Air Control Squadron 1, Marine Aircraft Group 11, 1st Marine Aircraft Wing, Aircraft, FMF, c/o Fleet Post Office, San Francisco, California

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.

(Accused here asked if he could refuse to answer questions regarding what he said to TSgt. RODRIGUEZ. The warning he received prior to electing to take the stand in his own defense was reiterated and he was reminded that he had waived the privileges against self-incrimination with respect to cross-examination on any offense which he testified in denial of explanation.)

I asked TSgt. RODRIGUEZ to step outside to fight after he had shoved me. 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.

CHARGE SHEET

PLACE USNAS Asagiri, Japan		DATE 17 April 1958
ACCUSED (Last name, First name, Middle Initial). (Last initials when material.) OSWALD Leo H.		SERVICE NUMBER 1653230
ORGANIZATION AND ARMED FORCE (If the accused is not a member of any armed force, state other appropriate description showing that he is subject to military law.) MACS-1 MAG-11 1stMAW FMP, c/o FPO, San Francisco, California		GRADE Pfc
DATE OF BIRTH 18 October 1939		PAY PER MONTH
CONTRIBUTION TO FAMILY OR QUARTERS ALLOWANCE (MCM, 12ah (2)) None		BASIC \$ 85.80
		SEA OR FOREIGN DUTY \$ 8.00
		TOTAL \$ 93.80
RECORD OF SERVICE		
INITIAL DATE OF CURRENT SERVICE 24 October 1956		TERM OF CURRENT SERVICE Three (3) Years
PRIOR SERVICE (As to each prior period of service, give inclusive dates of service and organization in which served, as termination, if available.) None		
DATA AS TO WITNESSES		
NAME OF WITNESS	ADDRESS	WITNESSES FOR PROSECUTION ACCUSED
KURDYHA, Francis J., Sgt.	MACS-1 MAG-11 1stMAW FMP, c/o FPO, San Francisco, California	X <i>BY</i>
GAJEWSKI, Francis J., Capt	MACS-1 MAG-11 1stMAW FMP, c/o FPO, San Francisco, California	X
DOCUMENTS AND OBJECTS		
LIST AND DESCRIBE. IF NOT ATTACHED TO CHARGES, NOTE WHERE IT MAY BE FOUND. None		
DATA AS TO RESTRAINT		
NATURE OF ANY RESTRAINT OF ACCUSED	DATE	LOCATION
None		

DD FORM 458
1 DEC 55

1

REPLACES DD FORM 458, 1 MAR 51,
WHICH IS OBSOLETE.

Rec'd in ONI 1963

Charge : Violation of the Uniform Code of Military Justice, Article 92

Specification : In that Private First Class Lee H. OSMALD, U. S. Marine Corps, Marine Air Control Squadron 1, Marine Aircraft Group 11, First Marine Air Wing, Fleet Marine Force, Pacific, did, at Barracks #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 CCFNAVFORJAPAN INST 5090.1C dtd 18 October 1957, by having in his possession a privately-owned weapon that was not registered.

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.

SIGNATURE OF ACCUSER <u>GERALD L. KENNEDY</u>	TYPED NAME AND GRADE <u>Sgt., USMC</u>	ORGANIZATION <u>MACS-1 MAC-11 1stMAW FMF, c/o FPO, San Francisco, Calif</u>
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Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above-named accused this 11th day of April, 19 58, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice, and that he either has personal knowledge of or has investigated the matters set forth therein, and that the same are true in fact, to the best of his knowledge and belief.

Signature of this person

R. E. LEWIS JR. SIGNATURE

GRADE AND ORGANIZATION OF OFFICER

Adjutant

OFFICIAL CHARACTER, AS ADJUTANT, SUMMARY COURT, ETC. (MCM, 29c, and Article 30c and 136)

Officer administering oath must be a commissioned officer.

11 April 1958
DATE

I have this date informed the accused of the charges against him (MCM, 32(1)).

R. E. LEWIS JR.

SIGNATURE

2ndLt. USMCR Adjutant MACS-1
GRADE AND ORGANIZATION OF IMMEDIATE COMMANDER

MACS-1 MAC-11 1stMAW FMF, c/o

FPO, San Francisco, California

USNAS Atsugi, Japan

11 April 1958

DESIGNATION OF COMMAND OF OFFICER EXERCISING SUMMARY COURT-MARTIAL JURISDICTION

PLACE

DATE

The sworn charges above were received at 1100 hours, this date (MCM, 33b).

N. D. Glenn

N. D. GLENN, LtCol., USMC, Commanding Officer

SIGNATURE, GRADE, AND OFFICIAL CAPACITY OF OFFICER SIGNING

1ST INDORSEMENT

MACS-1 MAC-11 1stMAW FMF, c/o

FPO, San Francisco, California

USNAS Atsugi, Japan

11 April 1958

DESIGNATION OF COMMAND OF CONVENING AUTHORITY

PLACE

DATE

Referred for trial to the SUMMARY court-martial appointed by _____

My appointing order dated _____

11 April

19 58

subject to the following instructions: ² None

BY ¹ _____

COMMAND OR ORDER

of _____

N. D. Glenn

N. D. GLENN, LtCol., USMC, Commanding Officer

SIGNATURE, GRADE, AND OFFICIAL CAPACITY OF OFFICER SIGNING

I have served a copy hereof on each of the above-named accused, this 29th day of

APRIL

19 58

[Signature]
SIGNATURE

Captain U.S. MARINE CORPS
GRADE AND ORGANIZATION OF TRIAL COUNSEL

¹ When an appropriate commander signs personally, inapplicable words are stricken out. ² Relative to proper instructions which may be included in the indorsement of reference for trial, see MCM, 33(1). If none, so state.

Fill in blank numbers of pertinent charges and specifications or "all specified items and charges", as may be appropriate. For use unless departmental regulations prevent such election (MCM, 7-1(2)).

THE ACCUSED HAS BEEN PERMITTED AND HAS ELECTED TO REFUSE PUNISHMENT UNDER ARTICLE 15 AS TO

GRADE AND ORGANIZATION OF OFFICER EXERCISING JURISDICTION UNDER ARTICLE 15 SIGNATURE

RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

CASE NUMBER 2-58
(Inserted by convening authority)

TO BE FILLED IN BY THE ACCUSED

I CONSENT OBJECT TO TRIAL BY SUMMARY COURT-MARTIAL

SIGNATURE OF ACCUSED
Lee H. Arnold

TO BE FILLED IN BY SUMMARY COURT IF APPLICABLE

When an accused has been permitted and has elected to refuse punishment under Article 15, trial by summary court-martial may proceed despite his objections.

1. THE ACCUSED, HAVING REFUSED TO CONSENT IN WRITING TO TRIAL BY SUMMARY COURT-MARTIAL AND NOT HAVING BEEN PERMITTED TO REFUSE PUNISHMENT UNDER ARTICLE 15, THE CHARGES ARE HEREWITH RETURNED TO THE CONVENING AUTHORITY.

GRADE AND ORGANIZATION OF SUMMARY COURT OFFICER SIGNATURE

2. WAS THE ACCUSED ADVISED IN ACCORDANCE WITH PARAGRAPH 79d, MCM, 1951? YES

SPECIFICATIONS AND CHARGES	PLEAS	FINDINGS	SENTENCE OR REMARKS
Sp: Ch: Ch:	G G	G G	To be confined at hard labor for 20 days, to forfeit \$25.00 per month for two months and to be reduced to the grade of private
			NUMBER OF PREVIOUS CONVICTIONS CONSIDERED (MCM, 75b(2)) None

PLACE U. S. Naval Air Station, Atsugi, Japan DATE 29 April 1958

GRADE, ORGANIZATION AND ARMED FORCE OF SUMMARY COURT OFFICER (MCM 4g) SIGNATURE
Captain, MACS-1, MAG-11, 1stMAW, USMC *Brooks Johnson Jr.*
BROOKS JOHNSON JR.

Enter after signature. "Only officer present with command", if such is the case.

TO BE FILLED IN BY CONVENING AUTHORITY (MCM, 83, and app. 14a.)

ORGANIZATION MACS-1 MAG-11 1stMAW PLACE NAS Atsugi, Japan DATE 29 April 1958
c/o FPO SFRA, CALIF.

ACTION OF CONVENING AUTHORITY
Approved and ordered executed, but the confinement at hard labor for twenty days is suspended 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.

GRADE AND ORGANIZATION OF CONVENING AUTHORITY SIGNATURE
M. D. GLENN, LtCol USMC, MACS-1 MAG-11
1stMAW BMT, c/o FPO San Francisco, Calif. *M. D. Glenn*

ENTERED ON APPROPRIATE PERSONNEL RECORDS IN CASE OF CONVICTION. (MCM, 91c)

GRADE AND DESIGNATION OF OFFICER RESPONSIBLE FOR THE ACCUSED'S RECORDS SIGNATURE
R. E. LEWIS JR., 2ndLt., Adjutant *R. E. Lewis Jr.*

NOTE: Summary of evidence, if required by the convening or higher authority, will be attached on separate pages.

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

257/dri
AL7-3
100-SU
JAN 2 1954

In the foregoing case of Lee H. 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 ECM, Section 0118, 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 ECM, Section 0120.

E. W. Seeds
E. W. SEEDS

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

Copy to:
CO, MAG-11
CO, MAGS-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 15-53, 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 maneuvers 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 Provost Marshal (Ref a) was not completed until 7 April 1958 and not received until 9 April 1958.

d. Office hours were held on 10 April 1958 and the Charge Sheet prepared on 11 April 1958.

2. During the period between the commission of the offense and his court-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
N. D. GLENN

STATEMENT OF Captain Francis J. GAJEWSKI 060577/7333 USMC

I have been the supervisor of Private First Class OSWALD for the past twelve months. 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 STORMBACK he performed duties as squadron messman. His work was highly satisfactory. He did ask me a couple of 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 business and does his job well. If I were to rate him for conduct and proficiency at this time I would award him 3.9 for proficiency and a 4.0 for conduct.

Francis J. Gajewski
FRANCIS J. GAJEWSKI