

OSWALD & VD: AN INTELLIGENCE CONNECTION?
by Mark S. Zaid*

Over the years there have been many insinuations that Lee Harvey Oswald was a member of the United States intelligence network.¹ A significant amount of evidence has been proffered over the years pointing towards the ONI, CIA or FBI. Unfortunately, most of the evidence has enabled us to only speculate on, rather than conclusively prove, the existence of a relationship between Oswald and intelligence activities. In fact some of the evidence has been utilized out of context to support the theory that Oswald was an agent. Whether Oswald was or was not an agent will continue to remain open to question for many years to come, however, further research and scrutinization of available evidence is needed in order to base the intelligence theory on legitimate facts.

One such misconception that collapses under further inspection is that Oswald's contraction of gonorrhea is conclusively linked to his activities as an intelligence operative. The cause of the speculation can be found among the Warren Commission's reproduction of Oswald's medical file during his service in the Marines from 1956-59.² The reason for this speculation is due to a diagnosis by Captain Paul Deranian, the senior medical officer at Atsugi, that Oswald contracted "Urethritis, Acute, due to gonococcus #0303". The Captain noted its origin as being, "In line of duty, not due to own misconduct". While on the surface this notation might seem peculiarly odd,

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¹For background, *see generally* Melanson, SPY SAGA (1990); Marrs, CROSSFIRE 101-12 (1989); Summers, CONSPIRACY 152-81 (1980); Epstein, LEGEND (1978).

²Donabedian Exhibit No. 1, Warren Commission Hearings, Vol. XIX at 605 [hereinafter *Hearings*]. Captain George Donabedian was the staff medical officer at the United States Marine Corps Headquarters in 1964. He had never had any personal contact with Oswald but testified before John Ely, a Commission staff member, to explain the medical notations contained in Oswald's Marine file. *See Hearings*, Vol. VIII at 311-15.

especially to those not acquainted with military regulations and procedures involving law and medicine, there is no mystery surrounding this determination.

Regardless, the theory has now been promulgated for over two decades and was especially a favorite of Penn Jones Jr., during the days of his Forgive My Grief series. It has been tolled as the "final proof" of Oswald's intelligence activities. Indeed, even in Jim Marr's compendium, Crossfire, the document is stated as providing "tantalizing evidence" that Oswald participated in intelligence work.³ "Researchers view this astonishing comment as evidence that Oswald was ordered to consort with prostitutes while serving in Japan", wrote Marrs.⁴ In fact, as recently as this past year, Jack White voiced his opinion during a sequence of his new video, "*The Many Faces of Oswald*", that the document gave rise to conduction of intelligence activities on the part of Oswald.

However, the statement of origin, which is actually a legal determination pertaining to the allocation of future benefits, is entirely innocuous and absolutely provides no substantive proof of intelligence activities on the part of Oswald. Therefore, with all due respect to Mr. Marrs, his statement indicating "[t]he fact that Oswald was absolved of any responsibility in contracting gonorrhoea astounds service veterans and is strong evidence that his extracurricular activities had the blessings of the military, if not the CIA" is unfounded.⁵ Admittedly, however, this does not mean the conclusion

³Marrs, *supra* note 1, at 309 (photograph immediately preceding).

⁴*Id.* Many prominent researchers subscribe to this theory. High Treason author, Robert Groden, indicated in a January 15, 1992 interview with this author that he agrees with this conclusion.

⁵Marrs, *supra* note 1, at 105.

drawn by the above authors does not possess a certain degree of merit when viewed in connection with other available evidence.

In order to properly evaluate the implications of the origin of Oswald's sexual promiscuity, it is necessary to review the relevant sections pertinent to these circumstances which can be found in the Manual of the Judge Advocate General. What would constitute a finding of "in line of duty" and "not due to own misconduct"? Was this determination unusual?

The Manual states that "[t]o support an opinion of misconduct it must be established by clear and convincing evidence that the injury or disease was either intentionally incurred or was the proximate result of such gross negligence as to demonstrate a reckless disregard of the consequences."⁶ Even conduct that "violates a law, regulation, or order...does not, of itself, constitute a basis for a determination of misconduct."⁷ Furthermore, injuries or diseases are presumed to have been incurred in the line of duty unless one of five factors are present. These factors may be summarized by saying that "unless the injury or disease was incurred due to the member's own

⁶Manual of the Judge Advocate General § 0803 (a)[hereinafter JAG]. In fact, "[i]t is presumed that injury or disease suffered by a member of the naval service is *not the result* of his own misconduct. Clear and convincing evidence is required to overcome this presumption." (emphasis added). *Id.* at § 0803 (b). The same standard of proof is required for a showing of "not in line of duty." In order to grasp the meanings of the different standards of proof, in basic criminal law it is explained that clear and convincing evidence can be statistically stated as about 75%. The standard required at a criminal trial, that of beyond a reasonable doubt, would be about 90%-100%.

⁷*Id.* at § 803 (a) Examples of misconduct are explained as follows. "If an individual intentionally wounds himself with a firearm, the injury is due to his own misconduct. If an individual handles a firearm in a grossly negligent manner and thereby wounds himself, that too would be an injury due to his own misconduct because a wound is a reasonably foreseeable result of the grossly negligent handling of firearms. If, on the other hand, an individual was standing on a sidewalk and, while handling a firearm in a grossly negligent manner, was struck by an automobile which had gone out of control, the injuries would not be to his own misconduct because they would not have been a reasonably foreseeable result (proximate cause) of the wrongful conduct in which the individual was engaged. In this latter example, the injuries are said to be the result of an independent intervening cause." *Id.* at § 0803 (c).

'misconduct', or while the member was either incarcerated or absent without leave, the injury or disease will be found to be 'in the line of duty'.⁸ A determination otherwise could threaten a servicemen's severance benefits.

Determinations involving misconduct and line of duty must be made when a member of the naval services incurs an injury which might result in a permanent disability or a physical inability to perform duty for a period exceeding twenty-four hours.⁹ Specific consideration is given to such cases which might involve, but are not limited to, mental defects, suicide attempts, intoxication, drug use, death and venereal diseases. Most importantly, section 0809 (b) states:

"Any disability resulting from venereal diseases shall not support a misconduct finding *if the member has complied with regulations* requiring him to report and receive treatment for such disease" (emphasis added).

Therefore, in answer to everyone's initial assumption, if Oswald followed the pertinent regulations surrounding the contraction of venereal disease he could continue about his everyday duties with no worries of punishment whatsoever. Furthermore, since compliance with section 0809 (b) will merit a determination of "in line of duty, not due to own misconduct," the "government will assume responsibility for all medical expenses involved in required treatment, as well as potential payment for any resultant disability."¹⁰

To that effect, Oswald's medical records indicate he first sought medical attention on September 10, 1958, complaining of a slight burn on

⁸Letter from K.E. Vogelhuber, Lt. Commander, JAGC, USN, Deputy Special Assistant for Medico-Legal Affairs, to author (Sept. 8, 1989).

⁹JAG. § 0805.

¹⁰Letter from W.C. Hewson, Commander, JAGC, USN, Deputy Assistant Judge Advocate General (Investigations) to author (January 24, 1992).

urination.¹¹ Suspecting a type of venereal disease, Oswald was ordered to have a smear taken.¹² This was done on September 16, 1958, at which time he was diagnosed as possibly having gonorrhea, proscribed penicillin, and returned to duty.¹³ Oswald received further medical attention regarding this matter at least seven additional times.¹⁴ Thus, it certainly appears as if Oswald followed the proper notification procedures.

In fact, Article 22-17 of the Manual of the Medical Department only leads one to conclude that while the military sought to "prevent the spread of military diseases", ordinary procedures were established to deal with those servicemen who did contract a disease.¹⁵ Article 22-18, which is cross-referenced with JAG § 0809 (b), sets forth provisions for adequate support staff to provide education and treatment for venereal diseases. What then can be inferred from this incident? Is there anything mysterious behind the whole affair?

Examining the document in light of Oswald's activities in Japan and Formosa has offered at least two explanations. First, according to authors

¹¹ *Hearings*, Vol. XIX, at 601.

¹² "A smear is to diagnose the cause of the infection, the cause of the discharge, to see what type of bacteria is present." *Hearings*, Vol. VIII, at 313 (Testimony of Captain George Donabedian).

¹³ Technically, there is no legal proof that Oswald had gonorrhea due to the fact that the doctors took a smear rather than a culture. Dr. Donabedian testified that normally the doctors would use the smear method and if the results appeared to be gonorrhea, they would just assume it was and treat it as such, regardless of whether it actually might have been a different bacteria involved. *Hearings*, Vol. VIII at 313-14

¹⁴ *Id.* at 603-04. Although by October 6, 1958, whatever Oswald was complaining of was not gonorrhea. *Hearings*, Vol. VIII at 314.

¹⁵ This is quoted from the pre-1960 regulations of which Oswald was subject. Commander John K. Heneberry, JAGC, USN, Staff Judge Advocate, responded, under directions of the Surgeon General of the Navy, to my January 10, 1992 FOIA request for the requisite information. While the current regulations are slightly different from those Oswald was subject to, both are administered to deal more with control after contraction than with prevention methods. As many servicemen of that era will inform you, contraction of venereal diseases was not uncommon, especially overseas.

Marrs and Epstein, it is possible Oswald was consorting with a Japanese hostess on orders of naval intelligence. It appears that Oswald had informed a fellow Marine that he was dating a beautiful Japanese girl who served as a hostess at the Queen Bee nightclub in Tokyo, one of the three most expensive nightclubs in the city.¹⁶ On Oswald's Marine salary, much of which was sent home to his mother, it would seem to have been financially impossible for Oswald to maintain this relationship.¹⁷ It was thought that Navy Intelligence was interested in the possibility that the Queen Bee hostesses were being used to garner intelligence information from U.S. servicemen, particularly since this specific nightclub was often frequented by an elite clientele that included U-2 pilots.¹⁸

In an interview with author Mark Lane, one of Oswald's former Marine buddies related a story supporting this theory. According to David Bucknell, while both men were stationed in California in 1959, the men were approached by two women in a bar looking for conversation. This incident led Oswald to relate a similar experience he encountered in Atsugi.¹⁹ Oswald stated that while in a Japanese bar he had been approached by an attractive woman who was asking questions regarding U-2 flights. After reporting this to a superior officer, Oswald was informed by a man dressed in civilian clothes to deliver false information to this woman. Thus, Oswald was encouraged to continue seeing this woman and supposedly was given the

¹⁶Epstein, *supra* note 1, at 71; Marrs, *supra* note 1, at 103. He was also supposedly seen at the base with her by several other Marines.

¹⁷According to Epstein, in order to date a hostess this required not only paying for the date, but reimbursing the nightclub for the business lost during the girl's absence. An evening at the Queen Bee could cost from \$60-\$100. Oswald's monthly salary was less than \$85. *Id.*

¹⁸*Id.* at 72.

¹⁹Marrs, *supra* note 1, at 104.

money to do so.²⁰ Unfortunately, there is no supporting evidence of Bucknell's account presently known.

Second, it has been suggested that the disability was actually a sickness ploy, frequently used by intelligence agencies, to cover an agent's operations. Author Anthony Summers noted that unrelated research had led him to discover that British Naval Intelligence had often used "illness of expediency" as a standard intelligence technique.²¹ Summers theorized that the "contraction" of gonorrhoea could conceivably have been an excuse to get Oswald out of circulation for other purposes.²² In fact, although Oswald had accompanied his unit to Formosa after the Chinese Communists begin bombing the islands of Quemoy and Matsu on September 14, 1958, Oswald was suddenly flown by military aircraft back to Atsugi on October 5, 1958.²³ The only explanation given was "medical treatment". However, the venereal disease which Oswald had contracted was mild in nature and the proscribed penicillin should have been enough to counteract any of the effects within a brief period of time.²⁴ Why then was he abruptly returned to Atsugi for continuing treatment?²⁵ So far, a sufficient or conclusive answer has not been offered.

²⁰ *Id.*

²¹ Summers, *supra* note 1, at 156.

²² *Id.*

²³ Unexplainably, the Department of Defense told the House Select Committee that Oswald had remained at Atsugi when his unit left. Melanson, *supra* note 1, at 9 (citing HSCA Report at 220). Yet, one of Oswald's officers, Lieutenant Charles R. Rhodes, distinctly remembers Oswald in Formosa. *Id.*

²⁴ This has been confirmed by a licensed pharmacist. However, had Oswald only contracted a mild case of gonorrhoea? Among the many items of Oswald's possessions confiscated by the Dallas police from Ruth Paine's house were several bottles of "Pentids 400", a type of penicillin. *Hearings*, Vol. XIV, at 336, 340. The problem exists that the amount of penicillin found was of a quantity sufficient for over a years' worth of treatment. What is the explanation? Is there one?

²⁵ The doctors who treated Oswald have stated they have no recollection of these events since to them they were of routine nature. Epstein, *supra* note 1, at 284 fn. 13.

What then have we learned from this document? As is prevalent among Warren Commission documents, particularly those concerning Oswald, they raise more questions than answers. Whether or not Oswald was involved with intelligence activities at Atsugi or elsewhere still remains a viable question. What this article does prove, however, is that with careful and detailed analysis speculations that have developed throughout the years into accepted facts can be properly placed into their true context. The assassination of President Kennedy remains complete with mysteries, but the true researcher will strive to dispel unsubstantiated rumors as well as state the facts. After all, the hope is to solve the murder not create a solution.

POSTSCRIPT: The Donabedian exhibit covers 48 pages yet John Ely only questions the doctor on Oswald's contraction of gonorrhoea, which constitutes merely 6 pages of the exhibit. In but one sentence Ely passes over the incident relating to Oswald's self-inflicted gunshot wound. Many critics have raised suspicious allegations surrounding that assumed accident. Ely was intent on having Donabedian state that the circumstances outlined in Oswald's medical files detailing his escapades with venereal diseases was nothing out of the ordinary. Why such a serious focus?