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309 ANATOMY OF A FRAUD:
CASE CLOSED AS DISSECTED IN CASE OPEN
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Few books in the 30-year controversy surrounding the assassination of President John F. Kennedy have received the kind of media attention and effusive praise from respected journalists and historians as Gerald Posner's *Case Closed*. This book purports to close the case on this tragic episode in our history. Unfortunately, Mr. Posner accomplishes this feat only by further distorting a record already sullied by the Warren Commission's original work, not to mention the groundless speculation of countless conspiracy theorists. *Case Closed* is, in fact, a monumental fraud, as amply demonstrated by Harold Weisberg in his recently released *Case Open*. Students in this project will participate in a meticulous dissection of Mr. Posner's book; consider how this book, and Posner himself, garnered such unwarranted attention and praise; and see what implications this episode has not only for a resolution of this controversy but also for the integrity of major institutions in our society.

Eligibility: Open to students willing to buy, read, and study two books and related materials.

Maximum enrollment: 20.

Anticipated cost: \$45-\$50, for books and study materials.

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In order to truly understand the events surrounding the assassination of President John F. Kennedy on the day of November 22, 1963 one must look closely at Lee Harvey Oswald. In the book Case Closed Gerald Posner shows a picture of Oswald that is as much fabrication as it is fact.

Lee Oswald was born on October 18, 1939 in New Orleans, Louisiana. He was born into a slightly below middle class family, which had lost his father two months before Lee was born. The family included his brother, Robert, and his step brother, John Pic. On December 26, 1942 Lee was placed into an orphanage along with his brothers (1). In 1944 the family moved to Texas, and in May of 1945 his mother, Marguerite, married Edwin Ekdahl. Stability was not to be found in the home until 1952 when Lee moved to New York with his mom. The family further deteriorated when in January of 1950 John left for the Coast Guard and then in July 1952 Robert left for the Marines. In April 1953 Lee was ordered to go to Youth House for evaluation by a judge who ruled him truant. While at Youth House Oswald was evaluated by Dr. Hartogs, the staff psychiatrist. Despite claims by Gerald Posner that Hartogs "vividly remembered Oswald eleven years later"(2), Hartogs admitted in his testimony that he had forgotten evaluating Oswald until his own report was shown to him by FBI agents (3). Upon seeing the report Hartogs testified "I recalled everything" (4). Posner claims that Hartogs testimony shows that Oswald is a born assassin. If this is true why is there no mention of the words that would show violent potential in Hartogs' report ? The only words that resemble this behavior are the words " passive- aggressive tendencies" (5). There are other facts as well that discredit Dr. Hartogs testimony. One is the great number of times Hartogs seems confused in the

hearing. This is shown by lines like "It contradicted my recollection" and "I didn't know I made this ambiguous recommendation" (6). These lines alone show that Hartogs did not truly do as he said and "recalled everything". Another fact about Hartogs is that he was found guilty of inducing a patient to have sexual relations with him during an appointment. In the trial Hartogs was directed to pay 350,000 dollars to the woman, Julie Roy (7). Does this fact alone not show that Dr. Hartogs is a man of questionable character? Another witness who contradicts the picture Posner tries to show of Oswald is his probation officer, John Carro. When asked if he saw anything in Oswald to foreshadow violent tendencies Carro testified, "No, naturally I didn't see it, and I would say that it would be extremely difficult in order to be able to make that sort of projection or prediction" (8). In the beginning of 1954 Marguerite returned with Lee to New Orleans. In the fall of 1955, Lee enrolled in his eleventh school. He continued to make mediocre grades and have few friends, probably due to his constant moving. Lee turned seventeen on October 18, 1956 and joined the Marines one week later.

Two points in Oswald's Marine record are the most important concerning November 22, 1963. One is his training with a rifle, and the other is his security status while an officer in the Marines. These two points serve as a foundation to determine whether or not Oswald could have been the lone assassin and if he was connected to the government in anyway.

One of the largest discrepancies in Posner's book are his statements regarding Oswald's shooting capabilities. Posner makes the argument that Oswald was a good shot and had a good deal of training while in the military. However, as Weisberg points out in Case Open, the Marines evaluated him as a "rather poor shot" (9). In Case Closed, Posner does not

mention Nelson Delgado's testimony in reference to Oswald's shooting ability. This is despite the fact that he actually fired on the same range as Oswald, only a few spaces down. In Delgado's testimony he says, "he didn't show no particular aspects of being a sharpshooter at all" (10). Delgado also testified that Oswald's shots that were misses were also scored as hits (11). These statements prove that while Oswald did get some training in the firing of a rifle, he did not become efficient with it.

Also while in the Marines many events occurred, as well as Oswald's behavior that raise questions about Oswald's possible government relations. September 12, 1957 he arrived in Japan and was based at Atsugi. While stationed there Oswald shot himself in the arm playing with a .22 caliber derringer. Despite the fact that he was to be court-martialed for carrying an unauthorized gun, his proceedings were postponed until April 11, 1958. Another possible signs of government intervention includes the fact that despite the numerous reports of Oswald's Russian behavior, his clearance to handle classified information was never taken away (12). This is very questionable, because at the time Russia was sending spies, etc. and defense information was extremely classified so that no leaks would occur. This brings up another blatant Posner lie in Case Closed. In Weisberg's book Oswald in New Orleans he explains Oswald's clearance in the Marines and quotes direct testimony. Oswald's former superior officer, Lt. John E. Donovan, testified that " He must have had a secret clearance to work in the radar center, because that was a minimum requirement for all the men"(13). This is a direct contradiction of Posner's statement that "Oswald had the lowest security clearance ' confidential' "(14). Another statement that contradicts Posner's is the testimony of Delgado. Delgado testified that Lee had access to " secret data" and that Oswald was placed in " the silent

area. That is the war room"(15). These statements certainly raise some doubt, at the least as to whether or not Posner's statement about Oswald's clearance in the Marines is correct.

Oswald received a second court- martial for fighting on June 27, 1959. He was then given a dependency discharge for his mother. On September 11, 1959 he was discharged from the Marines. Upon arrival at home he began to plan for his defection to the Soviet Union.

Oswald's time in Russia was not that pleasing as Oswald thought it would be. Oswald worked as a metalworker in the Belorussian Radio and TV factory. He was not happy because when he got to Russia he had told the authorities that he was interested in studying economics, philosophy, and politics. Oswald got his own apartment and it was pretty good for someone with very little money. He liked all the attention he got for being a foreigner. He wanted to be a citizen of Russia. He joined a hunting club. He liked that at first but then he quickly stopped going. That was probably because he was a horrible shot. Nosinko, a KGB defector told stories that they laughed at Oswald because he was a horrible shot. They used to give him some of their own kill so that Oswald would not go home empty-handed. After a few months he got tired of working and became very lazy. He did not enjoy Russia like he thought he would. One night at a trade union dance he met Marina. Soon after they got married. All the while Oswald still did not like Russia any more and wanted to get out. He applied for visas for him and his wife. They had to wait for a while before they got them. Then they returned to the U.S. together.

Oswald's domestic life is an important part of his biography it shows what he had done in the many years before the day of the president's assassination. This includes what he does in his free-time, how his relations are with his wife, and the people he associates with.

Oswald's relationship with his wife was a rocky one. Marina his wife, treated Oswald pretty good. A fact that is very obvious is that Oswald loved to read. Ever since his childhood Oswald had been known to read books. After he had come back from Russia he spent almost all of his free-time reading books. He would go to the library after work and check out a book to read. Marina testified that the books that he read were of a

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historical nature rather than fiction or literature. Oswald read so much that when it became late at night he would go sit in the bathroom and shut the door so that he could read while Marina was sleeping. About everyone who had lived with Lee and Marina testified that they had seen him reading some kind of book. When Marguerite Oswald was asked "Did he read books much while he was living with you," she replied "Yes, he read continuously. He went immediately to the library upon coming to the United States. He read continuously. All kinds of books." (II. A1) Also Robert Oswald was asked if he had seen Lee read any books and he replied, "Of course, I have seen him read various books. I never did see him read a book-unless the covers-or perhaps if I picked it up-it didn't indicate anything about communism or socialism. He did like to read. He read quite a bit. And by this, I have observed him to read anything from funny books to novels, to westerns, the full scope. He liked American history. I have seen him read American history a great deal."(II. B1) As you can see these two witnesses are very positive about Oswald's continuous reading.

Oswald's relationship with Marina was sometimes rocky. He spent a lot of time reading so he did not spend that much time with her. Oswald is said to have physically abused Marina often in Gerald Posner's book Case Closed. Posner makes it look like he had a horrible temper and that when Oswald got nervous or mad he would hit Marina. But in reality there are very few times where Oswald hit Marina. Marina testified that Oswald did not hit her often. She points out one special time when they were arguing about her going back to Russia. He wanted her to go but she did not know why he wanted her to do that. He got frustrated and he hit her. Another time she said he hit her was when she wrote a love letter to her old boyfriend back in Russia saying how much she missed him and how

she wishes she would have married him. Something was wrong with the letter so it was returned to the Oswald's residence. Lee found it and made her read it aloud to him. After what he heard he was so mad that he hit her. Posner says in his book "reactions to FBI interviews led to more physical abuse of Marina." There is no testimony of that beating. Marguerite Oswald once saw Marina with a black eye and asked her how she got the black eye. Marina did not tell her so she asked Lee. He responded by saying it is none of your business. In the Warren reports Marguerite is asked "Is there any other time that you recall that you saw that she had bruises or a black eye? Marguerite responded, "No sir, that is the only time."(II. C1) Lee's brother Robert was also questioned on the same subject. Robert was asked, "Was there ever a discussion in your presence by anyone, including your brother and/or your sister-in-law, on the subject of his having physically harmed her?" he responded, "No sir, there was not."(II. D1) As you can see there are not that many instances in which there was proof of harm done to Marina.

Oswald was also known to have attended right-wing party meetings in some of his free-time. He is said to have been keeping tabs on the right-wing activities and movements. He was very interested in General Walker. he did not like him at all. When Marina was asked if Lee disliked anyone in the U.S. she stated General Walker. When Mr. Paine was questioned about it in the Warren Report. Paine was asked, " Confining the Senator's question to the meeting in April, he didn't indicate in any way that he was familiar with Walker's attitude or activities?" Paine replied, " He was familiar with Walker. He knew who Walker was, there was no doubt about that. We were talking about Walker."(II. E1) Oswald did not like Walker

and that was very weird that he put so much interest and time into one man and his party.

Lee Oswald: Government Relations

Was Lee Harvey Oswald an informant, agent, or in any way associated with any United States Government agency? The truth may never be known because Oswald is dead and our government is not good with the truth in regards to the assassination of John F. Kennedy. However there is evidence that would lead the average American to believe that Oswald had ties to the government or atleast received treatment uncharacteristic of an everyday citizen. Lee Oswald had a place in the United States government. The trick is to determine what it was.

The first instance of Oswald's possible relations dates back to his days in the Marines. There has always been speculation that Oswald had something to do with the downing of the U-2 spy plane over Russia since his defection coincides with time ~~when~~ it was downed (Oswald had defected to the USSR when the plane was downed). This is mere speculation but the fact that Oswald had been transferred to a base in Japan which was the sight of the U-2 plane gives it little but some credence. More interesting is the fact that Oswald had "Secret" clearance at the airbase. He was also trained in Russian and spoke it fluently. Is this the normal training and clearance of an at best average marine?

Oswald, obsessed with Russia and it's way of life, defected to the Soviet Union in 1959. While in Russia he never renounced his U.S. citizenship and had numerous contacts with the U.S. embassy. This is

strange activity from a defector. The strangest part of Oswald's defection is his subsequent return to the United States. After two years Oswald was granted return and renewal of his passport. A more revealing factor that hints at government ties was Marina's arrival in this country. She was in fact not eligible to even enter this country. "She could not have met the requirements of the law" (III. A1). Marina would not have been able to enter the country without government help. It would seem the government had intervened but "it can not be concluded that the State Department might not have evolved some mechanism." (III. A2) "But the law is clear; she was not eligible for entry into the United States." (III. A3) Marina Oswald could not have entered this country without help. Who better to help then the government. Another aspect of Oswald's return that is unusual is his receiving of a government loan to cover travel expenses back to the U.S. despite his failure to meet one of the requirements. The requirement states that to receive a passport a person's "loyalty to the United States Government is beyond question." (III. A4) Does this sound like the characteristic of a defector? The government said this aspect was over looked because of "compelling reasons." This "compelling reason" could very possibly be that Oswald was desired back in this country, and possibly by the government.

Once back in the country Oswald's possible ties to the government became more evident. Oswald was very active in Cuban propaganda. Despite this "communist" activity Oswald's name was never given to the Secret Service. Oswald's mother believed he was some sort of agent. Robert Oswald stated that his mother had knowledge of facts in writing that almost conclusively proved to her that Oswald was an agent of the CIA. On one instance Oswald told Pauline Bates he was an agent. Why would

Oswald say something like this ? Because it was true and he felt no one believe him?

It is possible that Oswald may have been an agent of the FBI. In a Commission executive session Mr. Rawkin (actually Rankin) states that he was informed by the Attorney General of Texas, Wagner Carr "that Oswald was acting as an FBI undercover agent , and that they had the information of his badge which was given as Number 179, and that he was being paid two hundred a month from September of 1962 up through the time of the assassination." (III. B1) When asked where this information came from, Carr stated from the "defence council of Ruby." (III. B2) Is it possible for Oswald to have been a FBI agent? Most critics believe that if Oswald was a government agent then he was more likely one of the CIA. In any case there is evidence that points to Oswald as an agent. There was never a chance that Oswald would have been proven to be an agent. The Commission would see to that. "Mr. Jaworski, of Watergate Special Prosecutor, helped the Commission avoid any investigation of the Oswald-informant rumor he thought "had some substantial information back of tit"." (III. C1) It was clear Oswald would never be fingered as a government agent.

The Commission stated in it's report that Oswald was not an agent of the CIA or the FBI. They stated they had "access to the complete files." Infact the Commission only saw what they wanted them to see. Did they see the truth? Weisberg stated it best by saying, "What did the Commission expect, that any agency with which the presumed assassin of the President had been associated was going to rush forth and claim credit for him or his terrible crime." (III. D1) It could not have been said better.

Lee Harvey Oswald may or may not have been an agent of the United States Government but questions have been raised. Will it ever be known if Oswald was an agent? No, because the truth scares those who have the power to tell it to the American people.

1. Robert Oswald testimony, WC Vol. 8 p. 315- 316
2. Case Closed, Gerald Posner, p. 12
3. Hartogs testimony, WC. Vol. 8 p.219 see App. 1 (A)
4. Hartogs testimony, WC Vol. 8 p. 219 see App. 1 (A)
5. Hartogs tetimony, WC Vol. 8 p. 221 see App. 1 (B)
6. Hartogs testimony, WC Vol. 8 p. 221 see App. 1 (B)
7. Time Magazine, March 24, 1975 p.76
8. Carro Testimony, WC Vol. 8 p.211 see App. 1 (C)
9. Case Open, Harold Weisberg, p. 47
10. Delgado testimony, WC Vol. 8 p.233 see App. 1 (D)
11. Case Open, Harold Weisberg, p. 47
12. Whitewash, Harold Weisberg, p.123 see App. 1 (E)
13. Oswald in New Orleans, Harold Weisberg, p.94 see App. 1 (F)
14. Case Closed, Gerald Posner, p. 21
15. Oswald in New Orleans, Harold Weisberg, p. 94 see App. 1 (F)

seminar, Doctor. How did it come that you whom was it given, what was the general

ay afternoon, at 1:30 until 3 o'clock, the pro- together in order to discuss an interesting or elected Oswald because of the reason which I n the charge and the seriousness of his per- nar was opened by the Youth House director; out the development, background and early h House recreation department and household riment gave a report; then the psychologist a I acquainted the people who were present rist and recommendations which I made to

was it that Oswald be used as a subject nine, because I was the one to select these

report of the proceedings of the seminar eous.

informal sort of thing?

memorandum of what occurred at that time?

records relating to the seminar?

r any records, never anything written down;

that would have been at the seminar would previously prepared by you and by the other s that correct?

t recommendation you made to the court in

rectly, I recommended that this youngster

tion, do you recall?

ii. No.

clear in your recollection that you recom- d immediately because of the personality

That I remember; yes.

ld stay at the Youth House, do you know? xactly. Anything from 4 to 8 weeks, that

is a place the basic function of which is led environment; would you say? ent for the purpose of psychiatric observa- pending court appearance, or custodial care nt, I mean his actual transfer to a child- as a training school. These are the three

s not the kind of place where a boy would n committed, or something like that?

about 2 to 3 months; I mean 3 months is

kind of institution you recommended that

ommendation as to the name, the specific he court.

ommendation as to the type of institution

Dr. HARTOGS. Yes; I do that, either a mental hospital or training school or residential treatment center, but I do not recall in this case what I recommended.

Mr. LIEBELER. But you do recall quite clearly that you did recommend, be- cause of this boy's personality pattern, disturbance?

Dr. HARTOGS. Yes; that he should not be placed in the community.

Mr. LIEBELER. Or placed on probation?

Dr. HARTOGS. Yes; that is right.

Mr. LIEBELER. Do you recall being interviewed on this question by the FBI?

Dr. HARTOGS. Yes.

Mr. LIEBELER. Do you remember approximately when they interviewed you?

Dr. HARTOGS. No; I don't know the date.

Mr. LIEBELER. Do you remember that you told them the same thing, that is, that you recommended institutionalizing Oswald as a result of his psychiatric examination which indicated that he was potentially dangerous?

Dr. HARTOGS. Yes.

Mr. LIEBELER. Would you tell us how you first became aware, after the assass- ination, that Lee Oswald was a child with whom you had had previous contact?

Dr. HARTOGS. The first time was, I read it in the newspaper, Justice Kelley, you know, Florence Kelley, made a statement to the press that Oswald had been in the Youth House, and she revealed details of the psychiatric report which immediately made me aware of the fact that I was the one to examine the child, because this was my wording.

Mr. LIEBELER. Do you remember the wording?

Dr. HARTOGS. For instance, incipient schizophrenia, I think she used; poten- tially dangerous is something which I use. These are some of the expressions.

Mr. LIEBELER. These expressions are peculiar to your particular type of work?

Dr. HARTOGS. Yes.

Mr. LIEBELER. And not generally used by others?

Dr. HARTOGS. And by me generally in dealing with children.

Mr. LIEBELER. Did you keep the newspaper clipping by any chance that in- dicated this?

Dr. HARTOGS. No, no.

Mr. LIEBELER. What did you do after you learned or became aware that Oswald was a child with whom you had had contact?

Dr. HARTOGS. I didn't do anything. I didn't do anything, but the New York Times sent a reporter, and he questioned me on whether I was the one to ex- amine this child, because they read it, and I said that I did not know for sure, but it is possible.

And what happened then? Then very soon the FBI came in here and said, "You are the doctor who examined Oswald." and from then on I know for sure that it was me, because they must have read a report.

Mr. LIEBELER. Now, up until the time that the FBI came and said that you were the doctor who interviewed Oswald, did you still have some doubt in your mind as to whether you had actually interviewed the boy?

Dr. HARTOGS. I was not convinced, I was not sure, until I then reconstructed everything in my mind.

Mr. LIEBELER. As you have indicated, by recalling—

Dr. HARTOGS. That is right, then I recalled everything.

Mr. LIEBELER. Did you make any statement to television people in connection with this at all?

Dr. HARTOGS. About Oswald?

Mr. LIEBELER. Yes.

Dr. HARTOGS. No; on the day after President Kennedy died, the television people asked me to make a statement on television in general about why some- body might kill the President. I did not mention any name. I did not refer to any individual. I just made some general psychiatric remarks as to what kind of a person would kill the President.

Mr. LIEBELER. Do you recall approximately what you said?

Dr. HARTOGS. That a person who would commit such an act has been very likely a mentally disturbed person, who has a personal grudge against persons in authority, and very likely is a person who in his search to overcome his own

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Mr. LIEBELER. Would you read the report and tell us if that is the report that you prepared at that time?

Dr. HARTOGS. That is right, that is it. Interesting.

Mr. LIEBELER. Doctor, is your recollection refreshed after looking at the report that you made at that time?

Dr. HARTOGS. Yes, yes; that is the diagnosis, "personality pattern disturbance with schizoid features and passive-aggressive tendencies." Yes.

Mr. LIEBELER. On page 1, at the very beginning of the report, you wrote at that time, did you not, "This 13-year-old, well-built, well-nourished boy was remanded to Youth House for the first time on charge of truancy."

Dr. HARTOGS. Yes.

Mr. LIEBELER. On the last page of the report there is a section entitled "Summary for Probation Officer's Report," is there not?

Dr. HARTOGS. Yes.

Mr. LIEBELER. And you wrote there, about two or three sentences down, did you not, "We arrive therefore at the recommendation that he should be placed on probation under the condition that he seek help and guidance through contact with a child guidance clinic, where he should be treated preferably by a male psychiatrist who could substitute, to a certain degree at least, for the lack of father figure. At the same time, his mother should be urged to seek psychotherapeutic guidance through contact with a family agency. If this plan does not work out favorably and Lee cannot cooperate in this treatment plan on an outpatient basis, removal from the home and placement could be resorted to at a later date, but it is our definite impression that treatment on probation should be tried out before the stricter and therefore possibly more harmful placement approach is applied to the case of this boy?"

Dr. HARTOGS. Yes. It contradicts my recollection.

Mr. LIEBELER. Yes. As you now read your report—and it is perfectly understandable that it is something that might not be remembered 11 years after the event; I have no recollection of what I was doing 11 years ago.

Dr. HARTOGS. I did not know that I made this ambiguous recommendation.

Mr. LIEBELER. As you read this report and reflect on this report and on the boy, Oswald, as he is revealed through it, do you think that possibly it may have been somebody else that was involved in the seminar or are you convinced that it was Oswald?

Dr. HARTOGS. No; that was Oswald.

Mr. LIEBELER. That was Oswald?

Dr. HARTOGS. Yes.

Mr. LIEBELER. It would not appear from this report that you found any indication in the character of Lee Oswald at that time that would indicate this possible violent outburst, is there?

Dr. HARTOGS. I didn't mention it in the report, and I wouldn't recall it now.

Mr. LIEBELER. If you would have found it, you would have mentioned it in the report?

Dr. HARTOGS. I would have mentioned it; yes. I just implied it with the diagnosis of passive-aggressive. It means that we are dealing here with a youngster who was hiding behind a seemingly passive, detached facade aggression hostility. I mean this is what I thought was quite clear. I did not say that he had assaultive or homicidal potential.

Mr. LIEBELER. And in fact, as we read through the report, there is no mention of the words "incipient schizophrenic" or "potentially dangerous" in the report.

Dr. HARTOGS. No; I don't know where she has it from, but these are my words. I use it in other reports, but here it is not.

Mr. LIEBELER. "Passive-aggressive tendencies" are fairly common in occurrence, are they not amongst people?

Dr. HARTOGS. No; it is not so common. It is the least common of the three personality traits. It is either a passive-dependent child or an aggressive child, and there is a passive-aggressive child. The passive-aggressive one is the least common.

Mr. LIEBELER. Would you describe for us briefly what the passive-aggressive tendencies are, how do they manifest themselves, what do they indicate?

[C] 16

as just initially a truancy situation, not
inquent behavior. No; I would definitely
as—I also have had boys whom we have
r defective, mentally retarded, quite pay-
s of mental illness, of disturbances that
than those displayed by Oswald; and the
the court was certainly of a much more

appear to you at that time to be a real

ive problems, but one of the problems in
y this boy sent to the New York Training
the fact is that the New York Training
delinquent boys who commit crimes, really,
really criminal behavior; and you brand it
taches because he is under 16. You don't
out of school. It is for boys who commit
ct, Warwick did not have what this boy
And that is why he was not sent to the
h is Warwick, for the more serious boy.
lon to place a boy away who comes in for
passive delinquent act. It is not an act
s or does harm to other people. It is an
ool rather than an aggressive acting out,
injuring persons or other things. And

hat we wanted placement and the reason
Instance was because although you may
ere is always someone in the community
hesitate to put a boy away if some plan
court in social work feels that there is no
the best of institutions that you can place

had no father; he wasn't going to school;
y was working with the family. He was
levision all day. He wasn't mixing with
erted young man. He didn't want to go to
ing going for him outside.

ll that, that his mother didn't show any

She didn't want to cooperate and there
lcer could hang my hat on to say, "Keep
other will see him through, between his
here was nothing there out of the total
utch to help him see these things through.
nsions that prompted you to recommend
xtreme mental disturbance in the boy

sum total of the environmental factors
manifestations of mental disturbance or

that his particular type of truancy was
at you many times run into where the
just go out—

know.
is different because Oswald just had a
sion?

Mr. LIEBELER. Or did you think that the fact that he had this different
of truancy was a reflection of some sort of mental disturbance on Osw
part, or would you say that it was just as much a function of environment,
environment that he found himself in here in New York?

Mr. CARRO. Well, I don't think there is any question in my mind that the
was an inability to adapt, to adapt from the change of environment. One of th
things that probably influenced me in this is that I came to New York City when I
was 9 years of age and when I came here I didn't speak a word of English,
and I lived in what we call East Harlem, in an area where there was a Puerto
Rican community within a Negro area, and I recall when I went to school
there were four Puerto Rican boys in a class that was otherwise all Negro,
and I used to virtually run home every day in the first 2 months I lived in
the city, because at one point or another the Negro boys would be waiting for
me outside to take my pencils, my money, and anything that I had in my hands.

I remember my mother bought me a pair of skates and I don't think I was
downstairs for 10 minutes with the skates—I don't think I was down there for
10 minutes before they took them away from me. And I just stayed upstairs
and waited for my mother at 5 o'clock.

Then eventually I made friends with the other three boys, and when somebody
took my books, one of the other boys stayed with me, and I fought with the
Negro boys until things worked out—and, as I remember, things didn't work
out. I had to transfer to another school.

But I can see this kind of reaction taking place. You meet the situations.
Either you meet them head on or you retreat from them.

Now he apparently had one or two incidents where he was taunted over his
inability to speak the same way that the kids up here speak and to dress the
same way or even comb his hair—you know, here the kids wore pegged pants
and they talked in their own ditty-bop fashion. There is no—that this kid
was a stranger to them in mores, culture and everything else, and apparently
he could not make that adaptation, and he felt that they didn't want any
part of him and he didn't want any part of them, and he seemed self-sufficient
enough at the time that I recall that I asked him. He felt he wasn't learning
anything in school and that he had other, more important things to learn and do.

Now, whether this was an artifice on his part, you know, a mechanism, I don't
know—but it didn't—let me say it didn't trigger any reaction on my part that
this was symptomatic of a deeper emotional disturbance. I thought that this
was just symptomatic of a boy who had chosen one way of reacting to a situation
that other boys would react to in another fashion.

Mr. LIEBELER. I understand that some statements have been made, based ap-
parently on the psychiatric reports or the observations of people who worked
with Lee Oswald here in New York when he was 13 years old, to the effect
that one might have been able to predict, from seeing the boy at that time, that
he might well commit an act such as the assassination, or some similar violent
act. Did you see any such indication in Lee Oswald?

Mr. CARRO. No; naturally I didn't see it, and I would say that would be
extremely difficult in order to be able to make that sort of projection or pre-
diction. I have even, when I worked with the Youth Board as a streetclub
worker, I worked in the street where we had no psychiatrists along with us
and where we worked with much more psychotic and deeply disturbed boys,
who did kill somebody right along the line, possibly a couple of months later,
and even though, you know, the studies we have done here in the city and
everything shows that there are a great many people who are extremely dis-
turbed walking around, and the crutch that just keeps them on their marginal—
what do you call—on this marginal living, where they just don't go out and
commit some violent act, that you don't know what it is, what the factors are
that keep them from just blowing up or exploding altogether.

I didn't see any particular behavior that would say that this boy would
someday commit this act. I have seen it, let's say, in the Puerto Rican youth I
am familiar with, the Negro youth, that sometimes they ascribe this to a crying
out of people to say that they exist and that they are human beings, and they
commit that violent act, just to get their one day in the sun, the day when all
the papers will focus on them, and say, "I am me. I am alive."

any, until November 2, 1959, when I got
a Ana after you completed your training,
career?

ere discharged?

to classified information of any sort in
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ess to information, classified information,
e all had secret clearances. There was
codes and challenges that we had to give

in understand correctly the nature of your
room?

ms?

r screen would pick up an aircraft, you

entify itself?

Is that you sent to the aircraft requesting
information?

with the range capabilities of the radar
and so on. You know, each site has blind-
our blindspots are and who covers us and
secret, what outfit covers us and things like

er—

s, that we can see. And as I say, the
re.

each?

t?

atch them and where we can't catch them.
men who worked with the radar sets knew

nt do they call it now—authentication

hese charts?

, if we receive an order over the phone,
ardon me. That's the word. Let's say
t actually amounts to, he has to authenti-
e same table or code in front of him that
d look it up in my authentication chart,
r not this man has the same thing I am
hour, see. There's no chance of it—and

on, the code itself would not be of any
changed?

day; no.

when you were stationed at Santa Ana

of 1959. He arrived at our outfit. I
n at the time, but later on we had—
ch other quite well. This is all before

Mr. LIEBELER. This was in 1957 or 1958?

Mr. DELGADO. 1958. And we had basic interests. He liked Spanish, and he
talked to me for a while in Spanish or tried to, and since nobody bothered, you
know—I was kind of a loner, myself, you know. I didn't associate with too
many people.

Mr. LIEBELER. How old were you at that time?

Mr. DELGADO. I was 17—18 years of age; 17 or 18.

Mr. LIEBELER. About the same age as Oswald?

Mr. DELGADO. Right. He was the same age as I was. And nothing really de-
veloped until I went on leave—oh, yes. At the time he was—he was comment-
ing on the fight that Castro was having at Sierra Madres at the beginning, just
about the turn of 1959. When I went on leave, it just so happened that my
leave coincided with the first of January, when Castro took over. So when I
got back, he was the first one to see me, and he said, "Well, you took a leave
and went there and helped them, and they all took over." It was a big joke.

So we got along pretty well. He had trouble in one of the huts, and he
got transferred to mine.

Mr. LIEBELER. Do you know what trouble he had in the other hut?

Mr. DELGADO. Well, the way I understand it, he wouldn't hold his own.
Came time for cleanup, and general cleanliness of the barracks, he didn't want
to participate, and he would be griping all the time. So the sergeant that was
in charge of that hut asked to have him put out, you know. So consequently,
they put him into my hut.

Mr. LIEBELER. What were these huts? Were they quonset huts?

Mr. DELGADO. Quonset huts, right.

Mr. LIEBELER. And they served as barracks, right?

Mr. DELGADO. Right.

Mr. LIEBELER. How many men—

Mr. DELGADO. Each quonset hut was divided in half. Now, in each half lived
six men, two to a room. They were divided into two rooms with a bath room
each side, each half of the quonset hut. I was living in one room. Oswald in
the other room. And then we had our barracks, we had quite a bit of turn-
overs, because guys kept coming in and being transferred. Him and I seemed
to be the only ones staying in there. And we would meet during working hours
and talk. He was a complete believer that our way of government was not
quite right, that—I don't know how to say it; it's been so long. He was for,
not the Communist way of life, the Castro way of life, the way he was going to
lead his people. He didn't think our Government had too much to offer.

He never said any subversive things or tried to take any classified information
that I know of out or see anybody about it.

As I said to the men that interviewed me before, we went to the range at
one time, and he didn't show no particular aspects of being a sharpshooter at
all.

Mr. LIEBELER. He didn't seem to be particularly proficient with the rifle; is
that correct?

Mr. DELGADO. That's right.

Mr. LIEBELER. What kind of rifle did you use?

Mr. DELGADO. He had an M-1. We all had M-1's.

Mr. LIEBELER. Carbine or rifle?

Mr. DELGADO. The M-1 rifle.

Mr. LIEBELER. Did you have them in your quonset hut at all times?

Mr. DELGADO. No, sir; we had them in the armory, in the quonset hut desig-
nated as the armory. And we went there periodically to clean them up. And
at the time in Santa Ana, he was with me at one time—

Mr. LIEBELER. Each man was assigned a particular rifle; is that correct?

Mr. DELGADO. Yes.

Mr. LIEBELER. Did you have to use the rifles to stand inspection?

Mr. DELGADO. That's right.

Mr. LIEBELER. Do you remember whether or not Oswald kept his rifle in good
shape, clean?

Mr. DELGADO. He kept it mediocre. He always got gigged for his rifle.

Mr. LIEBELER. He did?

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getting in touch with you in that city

incomplete, for on the same date Oswald the Socialist Workers' Party (19H577) had it expedient to ignore the letter and its omission and the reason for similar to both historically antagonistic action. In omitting all reference to false impression of a non-existing Party, else why should Oswald want more-Washington branch? There is no evidence. He planned to go to Mexico and Oswald have wanted to be in touch as they are, especially because of the Communist Party? One of the trying to penetrate them as some kind round-political sympathy in or from that completely escaped the consideration and it is the most obvious conclusion of in the light of Oswald's groups, detailed elsewhere in this finding have led to a meaningful analysis

evidence that Lee Harvey Oswald had "with any of these groups, the Report would-initiated correspondence and significant

is toward the Communist Party and the to the Commission. He made no secret of his community in Fort Worth reported as well recorded in letters, drafts fact, in public speeches. A number volume 16. They are part of the Com-

stay in New Orleans, the Oswalds went participate in a seminar. He unburdened feelings. Marina got a thank-you k, of the Society of Jesus, in which s to your husband, too, for his good s we do not agree with him regarding all respect him for his idealism ..."

Communist Party and the Soviet Union es of his notes in the same volume, (16H283-434). For example, in Ex- "The Communist Party of the United t has turned itself into the tra- wer to overthrow the government of name of freedom or high ideals, but wishes of the Soviet Union ... (the to be willing, gullible messengers ist propaganda ... The Soviets have .. imprisonment of their own peoples ividual suppression and regimentation r of history, the prostitution of art vement in the U.S., personalized by as turned itself into a 'valuable has failed to denounce any actions similar actions of the U.S. Govern- pelling improved.) this as well as " ... I hate the U.S.S.R. 9).

as one with "many personal reasons to trust Communism ..." (16H442).

Even his oft-mentioned notes on Russia, widely discussed but unquoted in the press, are a narrative full of the kind of information intelligence agencies, including our own, seek about other countries, especially the Soviet Union. It includes such items as the location of an airport, the layout of a city, and all sorts of intimate details of the electronics factory in which he worked, including what it produced, its rate of production, the number of employees engaged in various pursuits and other such non-travelogue data.

It is abundantly clear that the Report distorts and misrepresents the Commission's information on Oswald's politics. It both says and implies the opposite of the truth. It pretends a man whose hatred of the Soviet Union boiled in his guts was a protagonist of that political system and perpetuates a lie foisted off on an innocent public by the police. In such a Report, by such a Commission, dealing with such a tragedy, this is unpardonable. Can there be any reason for this except a desire to "fool the public"? How many more people, here and abroad, were willing to accept what might have otherwise been unacceptable conclusions, how many were less critical than they might have been of the Commission, because of this pretense that Oswald had a "commitment to Communism", that he somehow was an agent of a hated political force? The Report concludes that he was serving no foreign government and that he was the agent of none (R21-2). But the Report repeats the false representation of Oswald's politics. The Commission instead should have inquired into who created and broadcast this deception and with what motives. As a result, the Commission's own motives are suspect

Oswald's Marine Corps Service and First Passport

Only in the light of what Oswald's politics really were might any sense be made of his relations with various agencies of the U.S. Government, his trip to Russia, his defection, and his defection from his defection.

With but 43 days of his Marine Corps enlistment remaining, or three months if the penalties of the courts martial had been imposed (19H725), Oswald received a "hardship discharge" (19H676). This was a clear fraud about which neither the Marine Corps nor any other government agency ever did anything. Why?

There are 112 pages of photocopies of Oswald's Marine Corps record reproduced at one point in the 26 volumes of hearings and exhibits (19H656-768), but that record is incomplete in at least one major respect.

This series of documents shows Oswald enlisted on October 24, 1956. He was twice court-martialed, once for the dream offense of many ex-servicemen and once for an even more unusual departure from regulations. The second breach, in non-military language, consisted of swearing at a non-commissioned officer and assaulting him "by pouring a drink on him on or about 20 June 1958 at the Bluebird Cafe, Yamato, Japan". He was sentenced to a \$55.00 fine and four weeks at hard labor, the second part waived on condition of good behavior. Less than six months earlier he had been court-martialed for accidentally shooting himself with his own loaded .22-caliber pistol, possession of which was prohibited. The generous Marines found this injury "was incurred in line of duty and not related to misconduct". His sentence was 20 days at hard labor, a \$50.00 fine reduction in rank to private, with the confinement at hard labor suspended for six months unless sooner vacated (19H663-4,682-4,692 707-8,747-52).

Of Oswald's personal activity in the Marines, the Report states: "He studied the Russian language, read a Russian-language newspaper and seemed interested in what was going on in the Soviet Union." In the unit with which he served upon his return from the Far East, Oswald was referred to as "comrade" and "Oswaldskovitch" (R388). But his clearance to handle classified information was no

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revoked. It was granted May 3, 1957, "after careful checks". Upon discharge he signed a form acknowledging he had been informed about penalties for revelation of classified information. This included awareness that certain categories of Reserve and Retired personnel ... can be recalled to duty ... for trial by court-martial for unlawful disclosure of information ..." (19H680). When Oswald defected and appeared in the U.S. Embassy in Moscow, he declared his intention to tell the Russians all he knew, and he knew about the radar installations in which he served and of codes (R262,265,393). The Report is barren on the subject, but there have been accounts published of the necessity for changing codes after his defection.

Yet on his return to the United States, Oswald was not kept under regular surveillance (R439), was not charged with breach of security, and was not even confronted with the fraudulent nature of his hardship discharge. Explanations of lack of proof might be offered, no matter how unacceptably, for the failure to charge him with breach of security. But the failure to keep him under surveillance or to do anything about his fraudulent discharge are not susceptible to such facile pleadings. And the Report is incomplete on even this unsatisfactory explanation. It reads, "No evidence has been found that they used him for any particular propaganda or other political or informational purposes" (R393). There is no reference here to military or security information.

The hardship discharge was to enable Oswald to care for his mother. He made not even a gesture in this direction and the Marine Corps would appear to have been aware that he had no such intention. The effective date of his discharge was September 11, 1959 (19H680; 22H79). On September 4, 1959, he applied for a passport from Santa Ana, California. It was issued September 10, 1959. Accompanying this application was a Marine Corps certification that had to be filed with the passport application and submission of which is noted on the application. "This is to certify," it read, "that PFC (E-2) Lee Harvey Oswald, 1653230, U.S. Marine Corps is scheduled to be released from Active Duty and transferred to the Marine Corps Reserve (Inactive) on 11 September 1959."

Under "Occupation" on the application, Oswald described himself as "shipping export agent". The places he intended visiting included Cuba and Russia. During a proposed length of stay of only four months, he said he was going to be a student at "the College of A. Schweitzer" in Switzerland and the University of Turin, in Italy. In the application that he would leave New Orleans by Grace Line ship September 21, 1959 (22H77-9).

The Marine Corps certification of Oswald's imminent discharge that accompanied his passport application at the very time it was processing a hardship discharge was not lost in the mass of the Commission's documentation. Nor is it suppressed in the Report. Instead, the Report ignores both this and the fraudulent nature of the discharge in the text and, in a 13-line section of Appendix XV in which the nature of the discharge is not referred to, notes that a statement that "he was about to be discharged" accompanied the passport application (R746). Why did not the Marine Corps revoke Oswald's security clearance; why did it keep him in a classified job and cooperate in getting him a passport while it was discharging him so he could support his mother?

This is the background of Oswald's now famous trip to the Soviet Union, where he arrived in mid-October 1959.

Renunciation of Citizenship

On Saturday afternoon, October 31, Oswald appeared at the U.S. Embassy in Moscow, laid his passport on the receptionist's desk and delivered a note to Consul Richard E. Snyder requesting revocation of his United States Citizenship. "I have entered the Soviet Union

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 defense and his own (though he always managed not to show up for those electronic confrontations with me that he had earlier accepted), as a competent and experienced lawyer, should have latched onto and probed and prodded until he had obtained from Thornley all the witness knew. It is not at all out of step with his own and the Commission's record that Jenner did not. Need we wonder longer why this testimony alone was separated from the other evidence on Oswald's Marine Corps career?

Thus, what might have been a major revelation remains instead one of the major mysteries, officially hidden by the Commission but now, I think, smoked out. It is particularly pertinent in the developing New Orleans story.

There are many other things in the record that bear on this, some negatively. For example, no member of the staff ever pursued this strange inconsistency, Oswald the Marxist in a position of high security trust in the Marine Corps. It should have been a troubling legal hangnail to each and every one, and to the members of the Commission. Instead, the Commission used the least desirable method of gathering "testimony" and that on a selective basis only. *Ex parte* and incompetent depositions were taken from Thornley, Nelson Delgado (SH228-65), another former Oswald Marine Corps dunn, and his former superior officer, Lt John E. Donovan (SH289-303). From all the few others included in the record, there are but brief and insignificant affidavits.

With one exception, all reveal a Commission interest in whether Oswald was a homosexual. That exception is the man who arranged dates between Oswald and his sister.

Lieutenant Donovan, "the officer in command" of the crew in which Oswald served (SH290), when asked about whether the murdered accused assassin had been a homosexual:

Mr. Ely: I believe you mentioned earlier that he did not seem to you particularly interested in girls. Was this just because he was interested in other things, or do you have any reason to believe that there was anything abnormal about his desires?
 Mr. Donovan: I have no reason to suspect that he was homosexual, and in that squadron at that time one fellow was discharged from the service for being homosexual. He was in no way tied in with it that I know of.... (SH300)

Perhaps Donovan's most significant testimony tends to cast Oswald in a different role than the Report and indicates the magnitude of the breach of security and military trust he threatened at the Moscow Embassy when going through the motions if not the actuality of defection:

Mr. Donovan: I recall that he got a hardship discharge. We offered to get him a flight—that is a hop from El Toro to some place in Texas, his home. He refused. We considered that normal in that if you take a hop you sacrifice your transportation pay. We offered to take him to a bus or train station. He refused. But that is not particularly unusual, either. I recall that he was gone for some period of time, and shortly before I got out of the Marine Corps, which was mid-December 1959, we received word that he had showed up in Moscow. This necessitated a lot of change of aircraft call signs, codes, radio frequencies, radar frequencies. He had access to the location of all bases in the west coast area, all radio frequencies for all squadrons, all tactical call signs, and the relative strength of all squadrons, number and type of aircraft in a squadron, who was the commanding officer, the authentication code of ensign and exiting the ADIZ, which stands for Air Defense Identification Zone. He knew the range of our radar. He knew the range of our radio. And he knew the range of the surrounding units' radio and radar....

Mr. Ely: You recall that various codes were changed. Now, at what level were these changed? Was this an action of your specific unit, or a fairly widespread action?

Mr. Donovan: Well, I did not witness the changing in any other squadrons, but it would have to be, because the code is obviously between two or more units. Therefore, the other units had to change it. These codes are a grid, and two lines correspond.... There are some things which he knew on which he received instruction that there is no way of changing, such as the MFS 16 height-bender radar gear. That had recently been integrated into the Marine Corps system. It has certain limiting range, far in excess of our previous equipment, and it has certain limitations. He had been schooled on those limitations. It cannot operate above a given altitude in setting—in other words, you cannot place the thing above a given terrain height. He had also been schooled on a piece of machinery called a TPK-1, which is used to transfer radio-radar and radio signals over a great distance. Radar is very susceptible

to homing missiles, and this piece of equipment is used to put your radar antenna several miles away, and relay the information back to your ship which you hope is relatively safe. He had been schooled on this. And that kind of stuff you cannot change.

Mr. Ely: Did Oswald have any kind of clearance?

Mr. Donovan: He must have had secret clearance to work in the radar center, because that was a minimum requirement for all of (SH297-8).

Oswald's prerequisites for returning to the United States—a promise not to be prosecuted—is contrary to the regulations quoted from *Wiltenszki* above and with the seriousness of the promised offense. It is hardly enough to say, as does the government, that Oswald said he did not give secrets away. There was no official proceeding to discover the truth after he returned.

One of the longest depositions is that of Nelson Delgado (SH228-65). It was taken April 18, 1964, by Wesley J. Liebel. In its 37 pages much is destructive of the official case as set forth in the Report. Some of the most fascinating leads, whether or not lost upon Liebel, are *not* in the Report, not even by indirection. Some are consistent with an Oswald-government-Oswald-intelligence relationship.

Delgado concurred with the others in reporting Oswald's access to "secret" data (SH232). He placed Oswald in "the silent area. That is the war room" (SH259), not exactly where one expects the Marine Corps to assign "Communists."

In distributing mail in his barracks, Delgado learned that Oswald was getting Communist literature. Those supporters to whom he reported it, including a Lieutenant Delgado, "just brushed it off. He didn't seem to care" (SH260).

The homosexual questions also brought negatives. When Liebel came to the end of his long interrogation, he asked Delgado, "Can you think of anything else about him?"

Delgado said he had never seen Oswald drunk, though he knew Oswald drank an "occasional beer."

Liebel then asked, "Do you think he had any homosexual tendencies?"

Delgado replied, "No; never once," adding that "in fact, we had two fellows in our outfit that were caught at it, and he thought it was kind of disgusting . . ."

For all its pretended interest in ferreting out every detail of Oswald's history there is indication a few secrets remain, at least in the official record. This is revealed in part of Delgado's testimony that will also interest us in another sense. Oswald had been in Tijuana, Mexico, before the weekend that he, Delgado and some of their companions had a fling. Oswald knew his way around. As Delgado put it:

We went down to Tijuana, hit the local spots, drinking and so on, and all of a sudden he says, "Let's go to the Flamingo." So it didn't register, and I didn't bother to ask him, "Where is this Flamingo? How did you know about this place?" I assumed he had been there before, because when we got on the highway he told me which turns to take to get to this place, you know. (SH243)

"The bartender was a homosexual," Liebel wanted to be doubly sure. He asked, "Was that apparent to you?"

Delgado was positive. "Oh, yes; it was apparent to us . . ." (SH253).

Oswald's interest was not in this homosexual. He "shacked up" across the street from the bar:

Mr. Delgado: Right across the street from the jal-lal games, there are some hotels, these houses, you know; and as far as I know, Oswald had a girl. I wasn't paying too much attention, you know, but it seemed to me like he had one. (SH253)

Delgado did not help the official account of Oswald's alleged rifle skill. This part of the story is mixed in with Delgado's complaints about the unfaithfulness of the FBI reports of their repeated pre-deposition interrogations—there were *four* of them (SH236), lasting for hours (SH240).

FOOTNOTES:

- (II. A1) Warren Report--Volume 1--page 208
- (II. B1) Warren Report--Volume 1--Page 370
- (II. C1) Warren Report--Volume 1--page 140
- (II. D1) Warren Report--Volume 1--page 414
- (II. E1) Warren Report--Volume 2--page 403

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Mr. RANKIN. What do you mean by everything?

Mrs. OSWALD. Well, Cuba—because we know in New Orleans he was arrested for Fair Play for Cuba. He read the Daily Worker. And the other ones I don't know. But it was in the paper. There is plenty of subversive material.

Mr. RANKIN. What about books? Did he read books much while he was living with you?

Mrs. OSWALD. Yes, he read continuously. He went immediately to the library upon coming to the United States. He read continuously. All kinds of books. I tried, when he defected—I went to the library to find out the kind of literature that Lee read. But they could not give me that information. They said the only way they could give that information was when a book was overdue, and was out. But otherwise they have no record.

Now, it has been stated in the paper—maybe New Orleans is different, I don't know, but I know in Fort Worth I could not get the information. Stated he had books—the assassination of Huey Long and things of that sort. They must have a different system. Because in Fort Worth, Tex., they do not have that system. The only way they can tell is if a book is out. But I know Lee read. And I have stated in 1959 all of this.

Anyway, from Vincent Peale on down to anything you want to mention. Lee read continuously.

Mr. RANKIN. Now, was there any time that Marina said anything to you to lead you to believe that she thought your son, Lee, married her because he was an agent?

Mrs. OSWALD. No, sir, no, sir. Not at any time at all.

Mr. RANKIN. You think she loved him?

Mrs. OSWALD. I believe that Marina loved him in a way. But I believe that Marina wanted to come to America. I believe that Lee had talked America to her, and she wanted to come to America. I say this for a lot of little things that happened—that Marina wanted to come to America. Maybe she loved him. I am sure she did, anyway. She said that she did.

Mr. RANKIN. I am not clear about this being ordered to marry her. You don't mean that your son didn't love her.

Mrs. OSWALD. Well, I could mean that—if he is an agent, and he has a girl friend, and it is to the benefit of the country that he marry this girl friend, and the Embassy helped him get this Russian girl out of Russia—let's face it, well, whether he loved her or not, he would take her to America, if that would give him contact with Russians, yes, sir.

Mr. RANKIN. Is that what you mean?

Mrs. OSWALD. I would say that.

Mr. RANKIN. And you don't think it was because your son loved her, then?

Mrs. OSWALD. I do not know whether my son loved her or not. But I am telling you why he would do this—in 5-weeks time. Now, you have a 5-week period in here.

Mr. RANKIN. I understand that. But I think it is a very serious thing to say about your son, that he would do a thing like that to a girl.

Mrs. OSWALD. No, sir, it is not a serious thing. I know a little about the CIA, and so on, the U-2, Powers, and things that have been made public. They go through any extreme for their country. I do not think that would be serious for him to marry a Russian girl and bring her here, so he would have contact. I think that is all part of an agent's duty.

Mr. RANKIN. You think your son was capable of doing that?

Mrs. OSWALD. Yes, sir, I think my son was an agent. I certainly do.

Mr. RANKIN. Have you got anything more that caused you to think he was an agent?

Mrs. OSWALD. Yes, I have things that have been coming out in the paper. And I am not the only one that thinks my son is an agent. There has been many, many publications questioning whether Lee was an agent or not because of circumstances, and so on, and so forth, through the newspapers.

Mr. RANKIN. That is newspaper accounts you are talking about now?

Mrs. OSWALD. Yes. And as I said about the FBI.

Mr. RANKIN. What about your own knowledge?

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Mr. OSWALD. No, sir. Of course, I have seen him read various books. I never did see him read a book—unless the covers—or perhaps if I picked it up—it didn't indicate anything about communism or socialism. He did like to read. He read quite a bit. And by this, I have observed him to read anything from funny books to novels, to westerns, the full scope. He liked American history. I have seen him read American history a great deal.

Mr. JENNER. Was he a voracious reader? That is, did he read a great deal, devote much attention to reading?

Mr. OSWALD. Yes, sir, he was what I would term an assiduous reader.

Mr. JENNER. I am directing your attention to his—oh, say, from age, let's say, nine or ten to the time he enlisted in the Marines—maybe we better go back a little bit more, since you were away. I would like to cover his youth up to the time he enlisted in the Marines. Is that the period of which you speak?

Mr. OSWALD. No, sir; I do not. I speak of a later period—my visit to New Orleans after I received my discharge from the Marine Corps.

Mr. JENNER. And before he enlisted in the marines?

Mr. OSWALD. Yes, sir; before he enlisted in the Marine Corps. And of his moving to Fort Worth.

Mr. JENNER. Fix the time.

Mr. OSWALD. With mother—in 1955.

Mr. JENNER. On these occasions you observed him reading assiduously?

Mr. OSWALD. Yes, sir.

Mr. JENNER. And you had an opportunity, and you embraced it to some extent, just out of curiosity if nothing else, of observing the nature and character of the literature and the subject matter of the literature he was reading?

Mr. OSWALD. Yes, sir; that is correct.

Mr. JENNER. And it is of the nature and the subject matter you already stated?

Mr. OSWALD. Yes, sir.

Mr. JENNER. During any of that period, and any observation you ever made whether then or prior thereto, had you noticed him or seen any books—he uses the expression "Marxism", communism—or any books or works, or pamphlets of that nature?

Mr. OSWALD. No, sir, I did not. I did not at any time observe him reading or have in his possession any type of pamphlet or book, should I say, of a political nature.

Mr. JENNER. Even American politics?

Mr. OSWALD. American politics, of course—American history, of course, would go into some degree of American politics.

Mr. JENNER. I think you are probably right. But other than American history.

Mr. OSWALD. No, sir, I did not observe him.

Mr. JENNER. Now, your brother states in this letter of November 8, the United States was a country that he hated. Taking the whole letter, we would like to have you state what your reaction to the letter was when you received it and read it, in view of the rather severe things he says, and startling things he says in this letter.

Mr. OSWALD. If I may, sir, refer to my testimony yesterday in relation to this letter, and my reactions then, I thought more along that line. I have not come up with any other conclusions where my thinking as to my reaction at the time I received the letter—other than it was something that I expected, due to what I had read in the newspapers prior to receiving the letter of November 8, 1959.

Mr. JENNER. Your shock, if I may call it such, had been conditioned—

Mr. OSWALD. To some degree it had; yes, sir.

Mr. JENNER. In other words, then, the letter, when you did receive it, with these utterances in it, did not surprise you?

Mr. OSWALD. I feel, perhaps, if anything would have surprised me that did not appear, to my recollection, would be the statement "I will never return to the United States, which is a country I hate," particularly the latter part of that statement—"which is a country I hate."

Mr. JENNER. That did shock you despite your having read the newspaper clippings or articles?

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Mr. RANKIN. Did you ask Marina how she got the black eye or anything about it?

Mrs. OSWALD. Yes, in the bedroom. I was shocked.

"Mama—Lee." Just like that.

So I went in the living room and I said, "Lee, what do you mean by striking Marina?"

He said, "Mother, that is our affair."

And so that ended. I wasn't going to interfere any further.

Now, this has been publicly stated by the Russian friends, that he beat his wife. I don't know if he did beat his wife. I happened to see the black eye. I know that he hit her and gave her a black eye. Marina said so, and my son has said so. But how many times does this happen, I don't know.

But I am trying to point out that I don't approve of it. But I am trying to point out that everything is not according to Hoyle, as we say in our American way of life.

Mr. RANKIN. Is there any other time that you recall that you saw that she had bruises or a black eye?

Mrs. OSWALD. No, sir; that is the only time.

And then the children moved to Dallas.

Now, this will end that part of the story.

I have accepted and I have the public papers, in 1959, when Lee went to Russia—I made a statement that as an individual I thought he had a right to make up his own mind in the decision to do what he wanted. I am of that nature, because, gentlemen, today or tomorrow I may decide to go to Russia, I will go. We are taught that in America, that we have the right to do what we want as an individual. So I publicly stated in 1959 that Lee had a right, if he wanted to live in that country. And I think it was courage that he did so, instead of staying in America and talking about America, and living here and downing his country. It took courage to go and live where he wanted to live.

I was criticized highly for making that statement. And it is published in 1959—as far back as that.

So I will get back now to when the children left.

They did not tell me they had left.

So I accepted the fact that my son Lee did not want me to know that he was in Dallas.

Why I accepted the fact is because of Lee's so-called defection.

I have had it very hard, Mr. Rankin, and gentlemen—I have lost jobs, I was in a position, if I was in a home and television was on, and something political was on television, and the people commented, I felt it was necessary to keep quiet, because of it. Because of the defection I thought if I would express my views they might think I was a Communist like my son was supposed to be. And in many a home I have been in—after three or four days they would tell me my services were not needed.

I cannot say, sure it was because of Lee's defection. However, I feel sure that it is, because I am a respected person, and a very good nurse, as has been stated in the paper. And my jobs were gotten from word of mouth.

But you must understand that I deal with a lot of people. So naturally it is natural that some of them would feel resentful against me because of my son defecting to Russia and presumably being a Communist.

Mr. RANKIN. Did you ever find out where Marina was that day that you tried to locate her?

Mrs. OSWALD. No, sir, no sir, that ended that.

So I respected my son's wish, since he didn't want to tell me where he was in Dallas, that I would accept that fact.

Now, gentlemen, this may seem hard that I accept these things. But it is not. I am self-supporting. I have a life of my own. And if Lee decides that that is the way he wants it, I am not going to grieve and worry about it. I have to get my sleep in order to work. I have the ability of accepting things, the ability granted me by the grace of God, because of my difficulty in life. I have been a widow. I have had many, many obstacles, and I have had to face them. And my faith gets stronger. I do accept things.

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Mr. JENNER. And it is your opinion, based on your observation during this period of time, up to and including August of 19— Thanksgiving Day 1962— it is your opinion that they led a reasonably normal married life, having in mind all the problems that were facing them?

Mr. OSWALD. Yes, sir; that is correct.

Mr. JENNER. Did your brother ever discuss with you any incident in which he thought that Marina had been guilty of some misconduct— I don't mean sexual misconduct, but did he complain about her conduct?

Mr. OSWALD. No, sir; he did not.

Mr. JENNER. Any kind or character, at any time?

Mr. OSWALD. No, sir; he did not.

Mr. JENNER. Was there ever a discussion in your presence by anyone, including your brother and/or your sister-in-law, on the subject of his having physically harmed her?

Mr. OSWALD. No, sir; there was not.

Mr. JENNER. The subject was never discussed in your presence?

Mr. OSWALD. No, sir; it was not.

Mr. JENNER. By anyone?

Mr. OSWALD. No, sir.

Mr. JENNER. Did it come to your attention at any time prior to November 23, 1962, or November 22, 1963, that your brother had inflicted some physical harm on your sister-in-law?

Mr. OSWALD. No, sir; it did not.

Mr. JENNER. Did you ever see her when she had darkened eyes, as though a black eye had been inflicted upon her?

Mr. OSWALD. No, sir; I did not.

Mr. JENNER. Or any other physical injury?

Mr. OSWALD. No, sir; I did not.

Mr. JENNER. Your mother, in her appearance before the Commission, has stated, and implied, at least, that your sister-in-law Marina could understand English and could read English—let's confine it to the period up to and including November 22, 1963.

What is your opinion on that subject?

Mr. OSWALD. It is my opinion even now, sir, if I may go a little bit further, that her understanding of the English language is less than what it appears to be. She does not understand a considerable amount that she, by her actions, appears to understand. This has come to my attention since her visit to Washington.

Mr. JENNER. You mean since she appeared before the Commission?

Mr. OSWALD. That is correct.

She does not grasp enough, and by this I mean, sir, to any extent—perhaps it might be best if I compared that with my experience with my children, approximately a three or four year old—if that much.

Mr. JENNER. In other words, do I fairly state that your testimony, even to the present time, and including all of the period preceding the present time, in your contacts with her, it is your opinion that she has a very limited command of the English language, whether you speak in terms of reading or understanding or speaking?

Mr. OSWALD. That is correct.

I might further qualify that, sir—that she could perhaps speak more English words than she can read or understand.

Mr. JENNER. And you do not, therefore, share your mother's expressed view and opinion that she understands the English language to a greater extent than, to use the vernacular—than she lets on?

Mr. OSWALD. That is correct.

Mr. JENNER. Did your mother mention to you or has your mother mentioned to you at any time any—or asserted any claims on her part, that there were any stolen documents, either stolen from her or stolen from anyone else, that would be relevant to this matter?

Mr. OSWALD. No, sir; she has not.

Mr. DULLES. Has she spoken to you about the disposition of funds that

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Mr. DULLES. To refresh my recollection, there was about 2 days or—

Mr. LIEBELER. 8 days before.

Mr. RANKIN. It was on the 10th.

Senator COOPER. Did he indicate in any way that he knew about General Walker at that time?

Mr. PAINE. We seemed to agree at least superficially that in thinking the far right was unfortunate in its thoughts.

Mr. LIEBELER. Did he say anything or do anything that would lead you to believe that he planned an attack on General Walker?

Mr. PAINE. Absolutely not.

Senator COOPER. Did he indicate in any way that he knew about General Walker's activities and beliefs and position on public affairs?

Mr. PAINE. When I went to the ACLU meeting he then got up, stood up and reported what had happened at the meeting of the far right which had occurred at convention hall the day before, U.N. Day, they called it U.S. Day, and I think Walker had spoken then.

From this I gathered that he was doing more or less the same thing—I thought he was, I didn't inquire how he spent his free time but I supposed he was going around to right wing groups being familiarizing himself for whatever his purposes were as I was.

Senator COOPER. Is that prior to the conversation you have talked about?

Mr. PAINE. No; this is after this conversation.

Senator COOPER. What?

Mr. PAINE. This is after this conversation and I only had this, this was the only concrete evidence I had of how he spent, might have spent some of his time. It happened in the ACLU meeting in late October. I suppose he was familiar with the right-wing groups and activities, and movements. And certainly familiar with Walker; yes.

Mr. LIEBELER. Confining the Senator's question to the meeting in April, he didn't indicate in any way that he was familiar with Walker's attitude or activities?

Mr. PAINE. He was familiar with Walker. He knew who Walker was, there was no doubt about that. We were talking about Walker.

Representative FORD. To find some common ground.

Mr. DULLES. He didn't say he knew where Walker lived or anything of that kind. That didn't come up?

Mr. LIEBELER. Did he indicate any understanding to you at that April meeting of Walker's attitude?

Mr. PAINE. I don't think he singled out Walker as—I had the impression that he was quite familiar with Walker and probably familiar with the names of various right-wing groups, shall we say, the Christian Science, not the Christian Science, I have forgotten the names of various organizations.

Mr. LIEBELER. Did you relate to Oswald this story about Walker speaking at the meeting or the ceremony at which the immigrants were given their citizenship?

Mr. PAINE. I believe I did; yes. I believe that is what I said about Walker at the time.

Mr. LIEBELER. What was his response to that?

Mr. PAINE. And I think he didn't say much. I think he smiled and nodded his head and did that kind of thing. He may have said just a few words.

Mr. LIEBELER. Did you take it that Oswald agreed with the views that you expressed?

Mr. PAINE. Yes; I did.

Mr. LIEBELER. Now, after this first meeting—

Senator COOPER. May I interrupt you again, I don't want to interrupt your train too much but I think you had said that during this conversation that you did have some discussion about right-wing groups.

Mr. PAINE. Yes.

Senator COOPER. And their position and activities, and so forth. In that discussion were individuals named or members assumed to be members of that group?

(At this point Representative Ford left the hearing room.)

Footnotes

- III.
- A. (1-4): WHITEWASH
 - B. (1-2): POST MORTEM
 - C. (1-2): POST MORTEM
 - D. (1): WHITEWASH

disqualified Marina. But how about her false statement about her Communist membership? With perhaps more candor than intended, the Report holds "If this fact had been known to the State Department, Marina Oswald would not necessarily have been denied a visa ...". But, the Report concedes, "had her membership in the Komsomol become known to the Department after her denial of such membership, it is possible she would have been excluded from the United States on the ground of wilfully misrepresenting a material fact". And at that point the Report goes off on a tangent of what judicial decisions hold to be a material fact (R767).

The Report does not state that Marina was eligible to enter the United States. The law is clear that she was not. Her false statement made it possible. Without it she could not have met the requirements of the law. With the efforts it made on behalf of her husband, it can not be concluded that the State Department might not have evolved some mechanism. But the law is clear; she was not eligible for entry into the United States.

Even the waiver of sanctions troubles the Report, but only for a little more than a page. It admits that this provision of the law had been invoked against Soviet nationals beginning ten years earlier. The waiver provision is not in the law, but the Department of Justice had held the Attorney General has such powers. These may be used "if no substantial derogatory security information is developed ... in a meritorious case ... filed by a reputable relative". To comply with this Marina would have had to have been held a "meritorious case" and her husband "reputable" by the Department of Justice and the State Department. The out found by the authors of the Report is simple: "Regulations did not require automatic denial of the waiver ..." (R768-9).

Even the loan made to Oswald for repatriation required special interpretations and new dictionaries. Three provisions of State Department regulations were quoted as prerequisites: "a. Who are in complete and unquestioned possession of their citizenship rights; b. Who are entitled to receive United States passports; c. Whose loyalty to the United States Government is beyond question, or to whom the provisions of Section 423.1-2(b) apply" (R771).

The Report holds "Oswald undoubtedly satisfied the requirements of paragraphs (a) and (b)", although one might believe otherwise, especially because the passport granted was good only for "direct return to the United States". But it concedes "there is serious question" about (c). It found the loan was made under another provision allowing for "a compelling reason", especially when there is danger to the "prestige" of the United States (R772).

Still another lookout card should have been prepared for Oswald, under State Department procedures, for in every case this is required until complete repayment of the loan. Again, the lookout card was never prepared. The Report's authors were so satisfied with their explanation of the first failure to file a lookout card on Oswald they use it again: A simple, bureaucratic error.

"In any event," The Report concludes this section, "Oswald's loan was repaid in full on January 29, 1963, five months prior to his application for a new passport" (R772-3).

The Second, "Overnight" Passport

On June 24, 1963, Oswald applied for a passport at New Orleans in which he specified he intended visiting, among other countries, the Soviet Union. This passport was granted the next day, "routinely," because "there was no lookout card". The Commission accepted the State Department's additional explanation that, at the time this passport was issued, "there was no information in its passport or security files which would have permitted it to deny a passport to Oswald". First, it is necessary to ask how an investigation could possibly accept the evasion involved in the use of the word "deny"

Whether or not the S it has a long history under judicial considerations. The co consistently. Also, sions to merely dela port applications. and its authors show exouse (R775).

Even in so doing passports from people exactly those things bring Oswald and his broad and includes a conduct of foreign r interests of the Uni cided to withhold pa been such as to brin the Report (R775-6) ing Oswald home.

Despite the unq the Report "conclude a passport to Oswald necessary to comment ing a lookout card, does it raise the qu which would have see Department. At the have paid his way ab

The Report impl permit was limited b have followed its pr port Application For G, employs almost id quoted (18H14), wit

And how about t teletyped list of 25 sent toward the end typed, written and s identification of th error? This is "rou not "N.O." but "NO". is not placed at the the bottom. It is p happened to be "besi the twentieth in a l the only name with e be two cases of minc his is the only name of it. Neither the Report. All of this including the overnd

But in questior real or false Oswald had established that day as Oswald; b) he name is not even on and without trouble loans to get back. FBI in reporting on ized his bar. The case in its effort Oswald to have recei to have received it

Without doubt,

3, 1964

1/22/64, 5:30 - 7:00 P.M.

XIX

r. Malley

by this morning to ascertain the two supplemental reports distributed by the FBI to the answer was negative and I have reports.

Malley called me to discuss his report regarding the FBI report concerning the allegation by Mr. White in San Francisco on or about

me whether you intended to write that all such reports be submitted on to say that the report was not to appear upon an initial showing. This report was distributed to mentioned the Nazi Party. He suggested any such letter to the Bureau he and discuss the matter in greater detail that the Bureau's Dallas office of 300 pages listing threatening which the Bureau considers insignificant. If a request is made there will be no all these matters will be referred to that this course of action would au's investigative manpower and the

that many of the requests that we could be handled informally by staff to him rather than by that the correspondence route matter. I suggest that you, matter and then have a further

tion handled its "information failure." The tor, but this memo suggests who was really, the FBI wanted to decide what did and did did not even want the Commission's requests referred to have all requests discussed in perch the Bureau considers insignificant" might al question always was, who decides what is FBI wants to make these kinds of decisions, that to have it otherwise "would only serve power."

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Gentlemen:

I called this meeting of the Commission because of something that developed today that I thought every member of the Commission should have knowledge of, something that you shouldn't hear from the public before you had an opportunity to think about it. I will just have Mr. Rawkin tell you the story from the beginning.

Mr. Rawkin: Mr. Wagner Carr, the Attorney General of Texas, called me at 11:10 this morning and said that the word had come out, he wanted to get it to me at the first moment, that Oswald was acting as an FBI Undercover Agent, and that they had the information of his badge which was given as Number 179, and that he was being paid two hundred a month from September of 1962 up through the time of the assassination. I asked what the source of this was, and he said that he understood the information had been made available so that Defense Counsel for Ruby had that information, that he knew that the press had the information, and he didn't know exactly where Wade had gotten the information, but he was a former FBI Agent.

That they, that is, Wade before, had said that he had sufficient so that he was willing to make the statement.

Ford: Wade is?

A: The District Attorney.

Ford: Carr is the Attorney General.

Boggs: Right, of Texas.

Rawkin: I brought that to the attention of the Chief Justice immediately, and he said that I should try to get in touch with Carr and ask him to bring Wade up here, and he would be willing to meet with him any time today or tonight to find out what was the basis of this story. I tried to get Carr

DECLASSIFIED
E.O. 11652, Sec 6.2(a)
By AMG NARS Date 3/27/83

MORE

This transcript of the Commission 1/22/64 executive session was not prepared until when the archives located the reporter's notes and sent them to the Pentagon transcribing. Records I had earlier discovered indicated that all records of this session had been destroyed at the Commission's order. "Mr. Rawkin" is actually Lee Rankin. "A" appears to refer to Warren as well as Rankin. "W" appears to be

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Boggs: What time was this, Lee?

A: 11. 10.

Boggs: That is after the Ruby episode of yesterday?

A: That is right.

Q: Yes.

A: And Mr. Carr said that they had used this saying before the Court that they thought they knew why the FBI was so willing to give some of these records to the Defense Counsel, and they were asking the Defense Counsel being able to get the records and asking the Court to rule that they couldn't get them.

Q: That is, the District Attorney was?

A: That is right, and he said a number of these records were furnished by the Texas authorities, and that they should not be given up to the Defense Counsel, and that the reason he thought that they were so eager to help was because they had the undercover, that Oswald was the undercover agent had the number of his badge and so much, he was getting two hundred a month and so forth, and that was the way it was explained as his justification to the Court as a basis for determining the records and that that was the excuse. FBI, the reason the FBI had for being so eager to give the records up. That is the way it was developed. Now Mr. Jaworski, who is associated with the Attorney General working on this matter was reported to you before, and , story, I don't talk to Story about it but I did talk to Jaworski and he said he didn't think Wade would say anything like this unless he had some substantial information back of it, and thought he could prove it, because he thought it would ruin many in politics, in Texas, to be making such a claim, and then have it shown that there was nothing to it.

MORE

Mr. Jaworski, of Watergate Special Prosecutor fame, helped the Commission avoid any investigation of the Oswald-informant rumor he thought "had some substantial information back of it." The Commission never questioned the reporter, Lonnie Hudkins, who had written a story for the Houston Post concerning the "rumor." On 5/8/64 Jaworski wrote Rankin that since the Commission had "the testimony of the FBI agents," which was false in that most of the agents who could have recruited Oswald gave only affidavits and some were ignored totally, "as well as that of Marguerite Oswald," which did and could prove nothing, "I am wondering if it is really worth your effort to follow up on Hudkins." WHITEWASH IV, p. 146.

as such, but of their agents or of groups related to them, directly or indirectly, made impossible the precise answer to whether or not Oswald was any kind of an agent.

The denials of the CIA and the FBI that Oswald was their agent were as predictable as they were meaningless (R327). Equally unworthy of serious consideration is the Report's statement that the Commission had access to the "complete files". The Commission had access only to what the agencies wanted it to see. This may, in fact, have been complete files or complete files as they then existed or ever existed. The case of the denial of the Gary Powers U-2 flight over the Soviet Union is fresh in history. Even when the plane was in Russian hands, and even when the prestige and integrity of both the country and the President were at stake, worthless denials were made. What did the Commission expect, that any agency with which the presumed assassin of the President had been associated was going to rush forth and claim credit for him or his terrible crime?

Besides, the denials by the agency heads could have been quite truthful and still have been meaningless and worthless. Only formal employees are carried on payroll and expense accounts. The agents of agents, the informants and contacts, are not payrolled. They cannot and should not be, for their security and that of the agency is too deeply involved and too important. Such people are remunerated from unvouchered funds of which there is no precise accounting. By their very nature they are not to be accounted for. If this were not an absolute necessity, there would be no justification for their existence in a democratic society. The people's money cannot be spent indiscriminately, except when absolutely essential, as in the case of intelligence.

If Lee Harvey Oswald had any non-payrolled relationship with the CIA, John McCone had no reason for knowing it. Nor could he with any certainty trace it down and learn it. The whole sad history of the Bay of Pigs and the partly revealed story of the American pilots who lost their lives in its prelude make clear the indirection with which the CIA works and has to work. The survivors of those pilots are not receiving and have not received compensation from the CIA. Their checks come from mysterious corporations. The mysterious boats and ships that are in and out of Florida and other ports on other than orthodox maritime business are not registered in the name of the CIA. They cannot and should not be. But no one doubts in whose interest they ply the Caribbean.

Having by its approach and method precluded any meaningful analysis of Oswald's politics, relationship with the government and his motives, if any, the Report then makes even more certain of the worthlessness of its conclusions by falling for the ploy of the police and engaging in semantics. It uses political words out of context and gives them a meaning diametrically opposed to reality. Throughout the Report are references to Oswald's "commitment to Communism". To most Americans this means the belief and philosophy of the American Communist Party and the Soviet Union. Above all, it connotes an attachment to the Soviet Union.

This was the opposite of the truth. The Commission knew it. All of its data prove that Oswald was not, either philosophically or by membership, connected with the Communist Party. He hated it and the government of the Soviet Union with passion and expressed his feelings with what for him was eloquence.

While seeking to mitigate this forthright misrepresentation with equally vague and undefined references to "Marxism", which most Americans equate with Communism, the Report leaves itself with as much intellectual integrity as the boy with his fingers crossed behind his back denying he was in the cookie jar.

Almost from the moment of his arrest, the police knew all about Oswald's background, for the FBI's Oswald expert, James V. Hosty, Jr., participated in the first interrogation. Oswald discussed what

he considered his position they understood what they desired, reflected in Appendix XI consists of

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Travis Brewington
Stephen Jones
JFK Interim
February 3, 1995

Oswald's Rifle Incapabilities

For over three decades Lee Harvey Oswald, presumably alone and unaided, has been accused of killing President John F. Kennedy. He allegedly committed the "crime of the century" from a sixth floor window using a dilapidated Italian WWII rifle fitted with a defective scope. Oswald, rated as a "rather poor shot" by his Marine Corps evaluators, supposedly fired three shots, two of which found their mark. Official evidence shows that the rifle he used, a 6.5mm Mannlicher-Carcano, was in such poor condition that it makes the execution of such an assassination plot unbelievable.

Described by FBI firearms expert Robert Frazier, the alleged assassination rifle (C2766) was "very accurate." A bit far from the truth, to say the least. When questioned by the Warren Commission, Ronald Simmons (a US Army expert) testified that "the carcano is rated an effective battle weapon, good at killing people, and as accurate as the US Army's M-14 rifle." It is hard to believe that this is credible since the Italians themselves jokingly dubbed the weapon as "the humanitarian rifle" because it was never known to hurt anyone on purpose. When interviewed by the Secret Service, Edward Voebel (a former schoolmate of Oswald's) said that he owned "...an Italian rifle of the

same type as the one allegedly used to shot the President; that he shot this rifle several times, but it is so poorly constructed he decided that it was best not to shoot it any more for the reason he was afraid it would explode." In his testimony before the Warren Commission, FBI expert Sebastian Latona described the rifle as a "cheap old weapon."

The Carcano is an "open-sight" rifle, meaning it was not designed to accept a scope. The \$7.17 4x18 telescopic scope is the cheapest of its kind. The scope could easily be knocked off center due to the fragile mount holding it to the weapon. Setting the weapon down or the firing recoil could cause a move in the sighting. Oswald allegedly carried the disassembled weapon in a brown paper bag and then reassembled it on the sixth floor of the TSBD. This process would also easily knock the sight out of alignment.

Failure Analysis says "the bolt can easily be executed in a fraction of a second." This is only true of a properly working weapon. The NRA Masters testing Oswald's rifle found the bolt action was very difficult to operate. Also, they discovered that the trigger was not working properly. In the Warren Report, it is stated that "It is in effect a two-stage operation... in the first stage the trigger is relatively free, and it suddenly required a greater pull to actually fire the weapon." This would make it difficult to be accurate with the rifle since a shooter usually anticipates a smooth trigger pull.

In a New Orleans testimony, even Robert Frazier says he had to move completely off target to work the bolt action.

Mr. Oser: ...when you shoot this rifle...can you tell us whether or not in rebolting the gun you had to move your eye away from the scope?

Mr. Frazier: Yes, sir, that was necessary.

Mr. Oser: Why was that necessary?

Mr. Frazier: To prevent the bolt of the rifle from striking me in the face as it came to the rear.

This action of moving completely off target would increase the time to effectively fire three accurate shots, since the shooter must reaim after each shot. Frazier says "it requires no training at all to shoot a weapon with a telescopic sight." He bases this assumption on prior experience with weapons far superior to C2766. This generalization that a scope makes one a better shot holds true in some situations. However, Frazier leads us to believe that an idiot with a rifle can be transformed into an expert with a \$7.17 purchase.

Posner says the Mannlicher-Carcano is used by some hunters to bring down animals as large as elephants. Yet, he quotes Frazier saying it had a low kick. The NRA Masters who tested the weapon said it had "a mule kick." Any weapon that can bring down an elephant would surely not have "a low kick."

In testing the weapon, FBI experts estimated a minimum time of 2.3 to 3.0 seconds were necessary to cycle the rifle; that is, to operate the bolt and fire a shot without

aiming. Oswald supposedly had to aim, fire, move completely off target, cycle the weapon, repeating this entire process three times. All of this supposedly took place in a period of no more than six seconds. This is quite a feat for an unskilled marksman using an imperfect rifle. The rifle was so tattered when it was recovered from the Texas School Book Depository that FBI experts had to replace the firing pin for fear that it would break during testing sessions. Also, shims had to be placed under the scope to bring it into working order.

Three riflemen rated by the NRA as "Masters" were selected by the Warren Commission to test Oswald's rifle capability. Hendrix, Staley and Miller "each fired two series of three shots, using the so-called assassination rifle with the telescopic sight." These tests were not comparable to the actual assassination scenario. However, they are relevant in proving that NRA Masters could not duplicate Oswald's feat. They fired from a thirty foot tower at three stationary silhouettes spaced at 175, 240 and 265 feet, respectively. Each rifleman had as much time as needed to aim the first shot, unlike Oswald who had to track a moving car.

During the first series, each hit the first and last shot, but missed the second shot. Hendrix and Miller hit two of the three shots in the second series. Staley hit all three times but in 6.45 seconds. Oswald supposedly missed once also, but keep in mind he was firing from a sixty foot

high window at a moving target. Each rifleman had all the time in the world to aim the first shot. Shooting at stationary targets from a thirty foot tower, they still could not match Oswald's "excellent marksmanship."

Here arises the question of how proficient a marksman would have to be to perform the feat of the assassination. Ronald Simmons testified before the Commission as to the skill level of a shooter capable of successfully firing the assassination shots.

Mr. Eisenberg: Do you think a marksman who is less than a highly skilled marksman under those conditions would be able to shoot within the range of 1.2 mil aiming error [as was done by the experts]?

Mr. Simmons: Obviously, considerable experience would have to be in one's background to do so. And with this weapon, I think also considerable experience with this weapon, because of the amount of effort required to work the bolt. (3H 449)

Well, in order to achieve three hits, it would not be required that a man be an exceptional shot. A proficient man with this weapon, yes. But I think with the opportunity to use the weapon and to get familiar with it, we could probably have the results reproduced by more than one firer. (3H 450)

As was stated before, Oswald was not exactly a crack pot. In fact, in his military firing evaluations he came up almost short of qualifying on one occasion, just making the grade by one point. The USMC marksmanship training is scored on three levels. "Expert" being the highest with a 220 point minimum, "Sharpshooter" is the middle grade with a minimum score of 210, and "Marksman" is the lowest grade with a minimum of 190 points. Oswald was tested twice

during his service in the US Marine Corps between 1956 and 1959. In the first recorded test in 1956, Oswald scored a 212 and made the grade of "Sharpshooter" by 2 points. In his last recorded test in 1959, he scored a 191, barely making the cut for the bottom grade of "Marksman." In a letter including Oswald's last recorded score, Lt. Colonel A.G. Folsom, Jr. who was one of Oswald's superiors states:

"The Marine Corps considers that any reasonable application of the instructions given to Marines should permit them to become qualified at least as a marksman. To become qualified as a sharpshooter, the Marine Corps is of the opinion that most Marines with a reasonable amount of adaptability to weapons firing can become so qualified. Consequently, a low marksman qualification indicates a rather poor 'shot'..."

Oswald's evaluators felt that his best recorded score was the result of a "good day." When questioned by the Warren Commission, Marine Major Eugene Anderson said that bad weather, poor coaching, and an inferior weapon may have accounted for Oswald's terrible performance in the second test. In fact, the weather bureau records show on that day (the last test in 1959) there were perfect weather conditions at the place of testing, even better weather conditions than on November 22, 1963 in Dallas. Oswald had no coaching from 1959 to 1963. He can only be placed with a gun about twelve times during this period, six of which were rabbit/squirrel hunting with a shotgun. A shotgun is hardly comparable to a rifle. Furthermore, his shotgun capabilities were not good according to Robert Oswald.

While Oswald was in Russia there could not have been any occasions involving rifle practice because rifles were illegal there. No known rifle practicing occurred between 1959 and 1963. Surely you jest in saying Oswald became proficient with his rifle by having no instructor, no practice and hunting only with a shotgun.

Sergeant James Zahm, the NCO in charge of the marksmanship training unit said, "In the Marine Corps he is a good shot, slightly above average...and as compared to the average male..throughout the United States, he is an excellent shot. It was an easy shot for a man with the equipment he had and his ability." Why does Posner use such sources as Zahm and Anderson, who had no direct contact with Oswald; instead, why not use Nelson Delgado who fired on the same line with Oswald:

Mr. Liebeler: Did you fire with Oswald?

Mr. Delgado: Right, I was in the same line. By that I mean we were on the same line together, the same time, but not firing at the same position...and I remember seeing his. It was a pretty big joke, because he got a lot of "maggie's drawers," you know, a lot of misses, but he didn't give a darn.

Mr. Liebeler: Missed the target completely?

Mr. Delgado: He just qualified, that's it. He wasn't as enthusiastic as the rest of us. (8H235)

Anderson said the assassination shots "were not particularly difficult." Tell that to Hendrix, Staley and Miller.

Anderson also says "Oswald had full capabilities to make the shot." This is in clear contrast to the actual evidence; the NRA Masters didn't have this capability. Oswald did not

have the marksmanship capabilities, nor the rifle to carry out such an absurd acquisition. The Commission completely ignored those in direct contact with Oswald, rather, they relied on such hearsays as Anderson and Zahm.

Oswald could not and did not carry out the November 22, 1963 assassination. His poor marksmanship together with his malfunctioning rifle wouldn't allow it. The evidence is clear, someone or some people with superior rifle capabilities could only have committed this crime. That someone was NOT Lee Harvey Oswald.

**Lee Harvey Oswald's Actions On
November 22, 1963**

by
**Michelle Ballard
Rogan Martin
Trae Judy**

**Interim
Dr. Ginochio
February 3, 1995**

In Case Closed, Gerald Posner shows a biased opinion of Oswald's actions and movements on the 22 of November in 1963. In our study of Oswald's actions on that day we found many controversies with what Mr. Posner states and how the Warren Commission reported the events on the day of the assassination. We explored many topics trying to understand what really could of happened that fateful day.

The initial thing we investigated was Oswald's actions the morning prior to the assassination. We wanted to know if he did in fact carry a rifle in to work that morning. Oswald rode to work that morning and every other morning with Wesley Buell Frazier. The morning of the assassination it is known that Oswald carried a brown paper bag. Frazier claims, testifies, that he had been informed earlier that Oswald was going to bring curtain rods that morning. (W.C. VI II pg. 226) There is a big controversy about the bag Oswald carried that morning. There are many different accounts of how he carried the bag and if the bag could have actually contained the rifle that allegedly killed Kennedy. Frazier testifies that Oswald had the package tucked under his right armpit and the other end was in his right hand-parallel to his body, straight up and down . This goes against what Posner writes. His writing makes it seem that the bag goes from under Oswald's arm to almost touching the ground. Posner is adjoining two different statements. If the bag simply went into the palm of his hand then it would not be large enough for Oswald's Mannlicher Carcano rifle. Posner changes the testimony around to make it large enough to hold a gun. Another witness, Linnie Mae Randle, claims she saw Oswald that same morning and the bag he held was in his hand and

went almost to the ground. Testimony also proved that the bag Oswald held would not be large enough to contain the rifle Oswald allegedly used. In *Presumed Guilty*, Sylvia Meagher states that the Warren Commission concludes that Frazier and Randal are mistaken in the length of the bag (*Presumed Guilty* pg. 167 R 134). If their testimony is true then Oswald did not carry the rifle into work that morning. Therefore how could he have been the assassin with no murder weapon? Posner ignores Jack Dougherty's testimony that when he saw Oswald entering work that morning he had nothing in his hands.

The next aspect we examined was the bag that he allegedly carried the weapon in. The bag was made from materials from the Texas School Book Depository, which is where Oswald worked. It had to be made within three days of the assassination. There is no evidence that Oswald made the bag. The only prints on the bag from Oswald were his palm print and his index finger. If he were to have made the bag his prints would have been all over it. Also, there were no markings of oil on the bag. When the gun was retrieved the officer stated that it was a well-oiled gun, but yet none of the oil was on the bag. In Case Open, Weisburg states that the man who monitored the tape and bag material never recalls seeing Oswald there. There is also no proof that Oswald was holding the bag (CE 142) when he left the prints on it. It could have been lying on a hard flat surface, Oswald could have leaned against or on it and left prints. There was no evidence whatsoever that Oswald made this bag. Troy Eugene West is the man that worked at the bench where Oswald would have to get tape and materials from his bench which he never left. He was never mentioned in the Warren Commission's report. West states that the tape used to make the bag

was from one long strip of tape. It is shown that it had to come from that dispenser and would have to of come from that spot. It could not have been taken anywhere else to be used. It was constructed at West's bench and he never reports to have seen Oswald there. The bag supposedly contained fibers which linked it to the blanket the gun was kept in. Paul Stombaugh (FBI hair-and-fiber expert) says the bag contained a single, brown, delustered viscose fiber and "several" light-green cotton fibers. He could render no opinion as to whether the fibers had in fact come from that blanket. The commission's theory states that the rifle transferred fibers from the blanket to the bag. The Dallas Police took no precaution to prevent articles of evidence from contacting each other prior to laboratory examination (Exhibit number 38). This makes this evidence faulty. The fibers could have transfered red because of how the evidence was arranged. James Cadigan (FBI expert) said that when he examined the rifle, he could not find any markings to tie the rifle to the bag. (4H97-98). It would have been stored like this for over twelve hours and he had carried it for two blocks. It would have some marks on it.

To find out whether or not Oswald was involved in the assassination or the lone assassin of President John F. Kennedy Posner has to answer one important and critical question: Was Oswald definitely on the sixth floor and at the window of the school book depository at the time of the shooting? In Case Closed, Posner uses witnesses like Charles Givens and Howard Bremen to place Oswald at the scene of the crime.

To make sure Oswald could have been on the sixth floor at the time of the shooting, the Warren Commision suppressed the witnesses of

at least two employees who had seen Oswald on the first floor between 12:00 and 12:30 pm. Piper's testimony of seeing Oswald at this time was totally discarded. The commission labeled Piper "a confused witness." Billy Lovelady, Jack Dougherty, Danny Arce, and Bonnie Ray Williams remembered Oswald remained upstairs when they all took the elevators down for their lunch break. But, by far, the most damaging testimony against Oswald came from Charles Givens. In Case Closed, chapter eleven, Posner quotes Givens as saying "I left my cigarettes in my jacket pocket upstairs, and I took my elevator back upstairs to get my jacket with my cigarettes in it. When I got back upstairs he (Oswald) was on the sixth floor... in that vicinity... toward the window up front where the shots were fired from... I was getting ready to get on the elevator and I say 'boy are you going down stairs' I say 'it's near lunch time'. He said 'no sir.'" But Charles Given's testimony was not as accurate as it seemed. Firstly it should not be a surprise that Given's testimony links Oswald to the sixth floor as this is the floor on which Oswald worked. Also from the last time Charles Givens sees Oswald there was still thirty-five minutes until the assassination and could have easily gotten out of the Texas School Book Depository in this town. According to Given's testimony he was somewhere between the elevators at the northwest corner of the building and midway between the north and south walls. Givens stated that he saw Oswald walking away from the southeast corner in the direction of the elevators. Commission exhibits 725,726,727, and 728 show that this view would have been obscured by stacked cartons. Another amazing thing is that Givens was not actually taken to the police department to testify against Oswald, originally he was wanted for a narcotics charge (namely marijuana). In all the

twenty-six volumes of the Warren Commission there is no mention of cigarettes and it was not until three months later when there was a mention of cigarettes while Givens was testifying in front of the Warren Commission.

Another testimony that puts Oswald on the sixth floor at the time of the shooting, but is also hard to believe is that of Howard Brennan. Brennan places Oswald on the sixth floor at the window with a rifle. Although Brennan could identify the gunman and claims to have seen him aiming the rifle. He did not see the gun fire, a puff of smoke or the gun recoil as most guns do including the Mannlicher Carcano rifle that Oswald allegedly used. Also, Howard Brennan did not notice the scope which Oswald gun had on it. Another problem with Brennan's testimony is that he claims Oswald was standing at the window. From commission exhibits 1310,1311, and 1312 if Oswald had been standing at the window his head would have been behind a double pane of glass and he would not have been able to fire the gun. In Posner's Case Closed, we can see from the picture taken right after the shooting that Oswald's face would have been distorted by the reflection of the sun and dirt on the glass. Brennan later also claims to have seen the president get shot in the head. Brennan obviously had incredible eye sight to see the gun fire and see the president's head explode at the same time. He also had to be able to see Oswald's face through the glass from 127 feet away and not the ninety three feet that Posner claims in Case Closed.

Oswald would have needed six minutes to assemble his gun, have it set up and ready to fire. This would place Oswald on the sixth floor at least by 12:24pm. The presidential motorcade was also, in fact,

running about five minutes late. This which no assassin could account for would place Oswald on the sixth floor even earlier. Caroline Arnold's testimony places Oswald on the first floor at around 12:25pm, proving Oswald could not have set up his gun and the snipers nest and been ready to fire at the supposed time of the motorcade passing.

More evidence which could exempt Oswald from the sixth floor at the time of the shooting is commission exhibit 369. This exhibit is a picture of the motorcade and in the background is a man who closely resembles Oswald. He stands at the entrance of the Texas School Book Depository. Since the picture is not very clear people claim the man at the entrance is Billy Lovelady. However, if one examines the clothes more closely, one is able to see that the clothes the man is wearing are the same as those worn that day by the assumed assassin Lee Harvey Oswald. This we can prove from exhibit 2964. If this is true there is no way in which Oswald could be an assassin.

Evidence used to place Oswald at the scene of the crime were finger prints. The presence of Oswald's prints being on these objects (the boxes and gun) indicates only that Oswald handled them and does not disclose exactly when or where he did so. It is definitely possible that Oswald touched the cartons prior to the time they were moved to the south east corner window. The finger prints were the only physical evidence the commission could offer to relate Oswald to the specific sixth floor window. The finger prints on the boxes are in a place such that it was impossible for the boxes to be carried. Therefore someone else could have set up the sniper's nest and someone else could have been the assassin at that sixth floor window on November 22, 1963.

According to Posner in his floor plan of Oswald's escape after the assumed assassination of the President, Oswald shoots John F. Kennedy at 12:30pm and leaves the Texas School Book Depository at 12:33pm. He supposedly does this without running into anybody except a policeman on the second floor in the lunch room a minute and a half later. He also had to dispose of the gun in this period also.

There are many problems with this assumed route taken by Lee Harvey Oswald. First, the diagram produced by Failure Analysis used in Posner's book shows that Oswald walked directly across the sixth floor to the stairs which would take less time than having to walk through a maze of stacked boxes. By looking at the pictures taken of the sixth floor (c. exhibit 719, 723-728) one can see that this would be impossible. Because of the stacks of books Oswald would have had to weave in and out of many stacks of books or travel along the wall to the stairs. This would cause a problem in the time frame in which Oswald was seen on the second floor. If Oswald can't make it to the second floor in a minute and a half he can not possibly be the assassin.

Secondly, the rifle was found wedged and covered under many boxes. However, Posner states that the gun was just thrown over some boxes. By just throwing the rifle over into boxes this would save time that was needed for Oswald to reach the second floor a minute and a half later. If Oswald had buried the gun under the boxes it would have taken him more than one minute and thirty seconds to reach the second floor. This would prove Oswald wasn't the assassin.

Marrion Baker the officer who runs into Oswald on the second floor doesn't notice anything suspicious such as hard breathing or sweating by Oswald. This seems strange since he supposedly just killed

the president, hid the rifle, and ran to the second floor. After Baker knows that Oswald works at the depository, Baker continues up the stairs. Oswald then is seen by Mrs. Robert Reid at 12:32pm on the second floor walking towards the front stairs. Posner would have us to believe that Oswald reached the first floor by 12:33pm where he was asked directions to a phone by Robert MacNeil from NBC. Using common sense one can see that it is impossible for Oswald to take this assumed route after supposedly killing the president.

From the lies and falsifications of Posner's book Case Closed we can see that one man, especially one with the ability of Lee Harvey Oswald, could pull off such a feat as was done on November 22, 1963. The American public is led to believe that a man with the minimum rifle capabilities of a marksman, shot from a sixth floor window, with a poor rifle, successfully killing the president, and then escaping the scene of the crime. Even a person of minimum intelligence, if they studied the evidence, would find this impossible to believe. It is a shame that the American public will allow books such as Case Closed to be published in America. Case Closed is obviously full of blurs and lies and should be taken off the book shelves immediately.

all been in this rifle on a previous occasion and/or in another rifle identified and ignored rifle. Mysteriously, the police suspended the investigation of the source of the ammunition without tracing it to Oswald. The police also swore to contradictory and conflicting statements about what they did with the empty shells.

Nonetheless, the Report concludes that Oswald had the skill required for the assassination and that the rifle was the assassination weapon. What it does not ignore about the ammunition it is satisfied to presume, even in the presence of contrary evidence. It also presumes Oswald's possession of the rifle and ammunition and, on the basis of these presumptions, concludes that Oswald was the marksman who committed murder.

This is the official opinion of the Marine Corps, that Oswald was a "poor" shot.

MCAS El
Toro Calif 6May59 *"B" M-1 (191MM) 200 rds

For Course "A", as shown above, qualification scores were as follows:

EXPERT -220; SHARPSHOOTER -210; MARKSMAN -190

For the Course marked "B", the qualification is:

EXPERT -225; SHARPSHOOTER -215; MARKSMAN -190

Regarding a comparison of the Marine Corps' requirements with those of the other services, it is believed that the requirements of the other services can be best obtained by you directly from those services. Enclosed, however, are copies of Marine Corps regulations describing the several marksmanship courses. These were effective at the time Oswald was on active duty in the Marine Corps.

The Marine Corps considers that any reasonable application of the instructions given to Marines should permit them to become qualified at least as a marksman. To become qualified as a sharpshooter, the Marine Corps is of the opinion that most Marines with a reasonable amount of adaptability to weapons firing can become so qualified. Consequently, a marksman qualification indicates a rather poor "shot" and a sharpshooter qualification indicates a fairly good "shot". I trust the foregoing will serve the purpose of your inquiry.

A. G. Folsom, Jr.

A. G. FOLSOM, JR.

Lieutenant Colonel U. S. Marine Corps
Head, Records Branch, Personnel Department
By direction of the Commandant of the Marine Corps

Encl:

- (1) Copies of MARCOR Regs describing marksmanship courses