

Return to Cdr Carson
Board of Discharge Review

USMC

Commission Exhibit No. 780

OSMAID, Lee Harvey
1953230

8812

USMC

USMC

Commission Exhibit No. 780 D5

Ret. to 42-689 Pennington
CLOSED

JUL 25 1963

df
D-5

COMMISSION EXHIBIT 780

EXOS:QB (33)
KIC:glm

5 Jun 1963

Mr. Lee H. Oswald
2703 Mercedes Street
Fort Worth, Texas

*new address:
P.O. Box 30061
New Orleans, La.*

Dear Mr. Oswald:

The review of your discharge from the Marine Corps has not yet been concluded. This is due, in part, to the unusual circumstances surrounding your separation. It is hoped that consideration of your case, including review of the Discharge Review Board's findings by the Secretary of the Navy, will be completed this summer.

Sincerely yours,

E. I. CARSON
Commander USNR
Secretary
Navy Discharge Review Board

COMMISSION EXHIBIT 780—Continued

APPLICATION FOR REVIEW OF DISCHARGE OR SEPARATION FROM THE ARMED FORCES OF THE UNITED STATES		Form Approved Budget Bureau No. 22-8014-1
(See instructions on reverse before completing application. Please type or print.)		
BRANCH OF SERVICE <input type="checkbox"/> ARMY <input type="checkbox"/> NAVY <input checked="" type="checkbox"/> MARINE CORPS <input type="checkbox"/> COAST GUARD <input type="checkbox"/> AIR FORCE		
1. LAST NAME - FIRST NAME - MIDDLE INITIAL OSWALD LEE H. Harvey		2. SERVICE NUMBER 1653230
3. RATE OR GRADE AT SEPARATION P.F.C.	4. ORGANIZATION AT TIME OF SEPARATION MACS-9 MWHG 32d MAW AIRFAC MCAS EL TORO (SANTA ANNA) CALIF.	
5. NATURE OF SEPARATION OR TYPE OF DISCHARGE RECEIVED UNDESIRABLE DISCHARGE DISCHARGE CERTIFICATE ATTACHED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		6. DATE AND PLACE OF SEPARATION 11 SEPT. 1959 HNS, MCAS, EL TORO, CALIF.
7. I REQUEST THE FOLLOWING CORRECTIVE ACTION BE TAKEN: Recommendation For REENLISTMENT Review of CASE AND APPROPRIATE ACTION.		
8. EVIDENCE SUBMITTED IN SUPPORT OF APPLICATION IS LISTED BELOW AND FORWARDED. (Affidavits of witnesses may be used if desired, or they may appear in person. Affidavits must be notarized. You may also submit a brief containing arguments in support of application. If space is insufficient, use additional sheet). (1) BRIEF IN SUPPORT OF APPLICATION (1) STATEMENT OF PLAINTIFF (4 PAGES) (2) LETTERS FROM U.S. EMBASSY, MOSCOW (PERTINENT TO CASE)		
9. I DESIRE TO APPEAR BEFORE THE BOARD IN PERSON (No expense to the Government) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		10. I DESIRE TO BE REPRESENTED BY COUNSEL (For instructions re Counsel, see reverse side) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
11. NAME AND ADDRESS OF COUNSEL (if any) P.O. Box 30061, New Orleans, La.		
I MAKE THE FOREGOING STATEMENTS AS A PART OF MY APPLICATION WITH FULL KNOWLEDGE OF THE PENALTIES INVOLVED FOR WILLFULLY MAKING A FALSE STATEMENT. (U. S. Code, Title 18, Section 1001, formerly Section 20, provides a penalty as follows: A maximum fine of \$10,000 or maximum imprisonment of 5 years, or both.)		
STREET OR RFD 4313 LAVERGNE	CITY AND STATE FORT WORTH TEXAS	
DATE JUNE 18 1962	SIGNATURE OF APPLICANT Joe H. Oswald	
NOTE: If veteran is deceased or incompetent and the application is therefore signed by a person other than whose name appears in Item 1 above, indicate status in box below. If veteran is deceased, application will be signed by his spouse, next of kin or legal guardian. Legal proof of death or incompetency must accompany application. <input type="checkbox"/> NEXT OF KIN <input type="checkbox"/> LEGAL REPRESENTATIVE <input type="checkbox"/> SURVIVING SPOUSE		
Signature by mark (X) must be witnessed by two persons to whom the applicant is personally well known.		
SIGNATURE AND ADDRESS OF PERSON WITNESSING MARK 2-5		SIGNATURE AND ADDRESS OF PERSON WITNESSING MARK

DD FORM 293
1 MAY 58

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE.

COMMISSION EXHIBIT 780—Continued

INSTRUCTIONS

Do not use this form if discharged by reason of sentence of GENERAL COURT MARTIAL - Use DD Form 149.

Attach original discharge certificate.

All evidence not already included in your military or naval record must be submitted by you before the date set for hearing. Since all evidence submitted will be retained on file with your application, it is suggested that extra copies be prepared for your information if you so desire. The Review Boards do not secure evidence for you.

Review Boards of the Army, Navy, Marine Corps, Coast Guard and Air Force convene in Washington, D. C. You may appear before the Board in person. However, this is not mandatory. (Your appearance and the appearance of witnesses in your behalf will be at no expense to the Government.) If you state on your application that you will appear before the Board in person and fail to do so without previous satisfactory arrangement with the Board, such failure will be considered as a waiver of appearance and your case will be reviewed on the evidence contained in your military or naval record.

If you wish to be represented by Counsel, you may:

1. Furnish Counsel at your own expense.
2. Choose a Counsel from the following list of organizations, any one of which will furnish representation at no charge to you.

Either of the above methods will be at no expense to the Government. Government Counsel will not be furnished.

American Red Cross
American Legion
American Veterans of WW II
Catholic War Veterans, Inc.
Disabled American Veterans
Jewish War Veterans of the U. S. A.
National Association for the Advancement of Colored People
Veterans of Foreign Wars

UPON COMPLETION, MAIL THIS APPLICATION AS FOLLOWS:

ARMY	NAVY AND MARINE CORPS	COAST GUARD	AIR FORCE
The Adjutant General Army Records Center 9700 Page Blvd. St. Louis 14, Missouri	Navy Discharge Review Board Washington 25, D. C.	Commandant, (C&D) U. S. Coast Guard Headquarters Washington 25, D. C.	FORMER OFFICERS: Director of Military Personnel Hq USAF Washington 25, D. C. FORMER ENLISTED MEN: Air Force Records Center 9700 Page Blvd St. Louis 14, Missouri

If you make a change in residence, notify the appropriate headquarters immediately.

REMARKS

(A) I REQUEST THAT STATEMENT OF PLAINTIFF BE
READ INTO RECORD.

(B) CORRESPONDANCE BETWEEN MCHQ AND PLAINTIFF
MAY BE FOUND UNDER:

- (1) DHC - VHR 7 MARCH 1962
- (2) DHC GCR 2 APR. 1962

Brief in support of Application.

A review of my file, will show that a recommendation to separate me from the Marine Corps. Reserve was concurred in by a board of officers at Selenian Illinois, to become effective from September 13 1960, or 1 year 2 days from the time I was honourably discharged from active duty at, HSHC, MCAS, El Toro Calif on 11 September 1959.

Referral of my case to this board was premised on the reported fact that I had renounced my American citizenship with intent to become a permanent citizen of the Union of Soviet Socialist Republics.

Since this was the sole reason I was separated from the Marine Corps. Reserve and summarily given a Undesirable Discharge I do hereby request:

That the Board does convene to review this case.

This is a case which comes under the heading: NAVEXOS 15(C)(4), i.e., a discharge improperly issued.

In this case there is no question as to service, which on the naval records show, was of a strictly honourable nature.

This case is a question of loyalty revolving out of my residence in the Soviet Union.

In requesting a review of this case, I can show: I had not violated any laws or regulations pertaining to my prolonged residence abroad and that I am a loyal U. S. citizen.

(END)

Statement of Plaintiff

pp. 3

(I request that this statement be made part of the record.)



I have been informed that a board of inquiry was convened at Naval Air Station, Glenview, Illinois to determine my fitness to remain a member of the U.S. M.C. R.

I was separated from the U.S. M.C. R. with a undesirable discharge superseding my original honourable discharge of 11 September 1957 given at M&NS Marine Corps Air Station, El Toro, Santa Ana, California.

This board was given to consider whether I had gone to the Union of Soviet Socialist Republics with the object of becoming a permanent citizen of that country.

Since I was not in the United States at the time of the convening of the board and since I was completely unable to communicate with anyone in the outside world through the Iron Curtain, this board found against me.

My relatives, who were notified of the convening of this board, could not conceivably present evidence on my behalf against such vaguely defined charges, without any knowledge of my whereabouts.

It was only on July 8, 1961 that I was able to put in an appearance at the American Embassy, Moscow after escaping from the detention.

of the city to which the Russian authorities had sent me. Subsequent events, through the active support of the U.S. Embassy, will see myself and my Russian wife in the U.S. very shortly.

As far as the case in question is concerned I can understand how, without any inquiry directed towards me, a conclusion of disloyalty might possibly be arrived at.

However, whether my choice of permanent or temporary residence may be in the U.S.S.R., or in the United States, grounds for such arbitrary action as was instigated against me cannot be judged as being fair or impartial.

I must point out that I have not violated any laws under the U.S. Code Section 1544 title 18.

I may say that even the most prolonged residence abroad is an accepted custom, and absolutely legal (so long as other pertinent regulations have not been violated).

In introducing the letter from the U.S. Embassy, Moscow, I have it in mind the last paragraph Nov. 13, 1961, which states: "Meanwhile your retention of your present Soviet passport or an expiration thereof does not prejudice in any way your claim to American citizenship." signed Joseph B. Norbury, American consul.

whereas in the letter from the Embassy of January 31, 1962, you see I am at present in the Soviet Union only because of the technical difficulties in getting my family out of the Soviet Union.

The tone of the letter, while not an affidavit, hardly reflects the opinion of the American Embassy that I am undeserving, through some sort of breach of loyalty, of their attention.

THIS PARAGRAPH
TO
BE
DISREGARDED
Karl Baur
June 14, 1962

In presenting a notarized affirmation of valid U.S. citizenship I have had to present my valid U.S. passport and valid Soviet residential document to the notary.

In presenting my case I have avoided notarized affirmations, which would, under the circumstances, have to be in Russian. However I request in view of my particular case and my location that par. 12(B) NAVEXOS P-70 be in force throughout the proceeding.

affirmation of contents of affidavit can be had by contacting that naval bureau, office or officer who can give such affirmation of contents (12(A) NAVEXOS P-70).

Since there is no other possible way to present my case, in consideration of the nature of the charge which was brought against me, I would like to include a request for the recommendation for reenlistment regardless of the findings of the Board. in accordance with

In accordance with
 par. 15(c)(5) I request that the Board consider
 my sincere desire to use my former training
 at the aviation fundamentals school, Jacksonville,
 Florida, and Radar operators school, Biloxi, Miss.,
 as well as the special knowledge I have accumulated
 through my experience since my release from
 actual duty, in the naval service.

I make the foregoing statements as
 part of my application with full knowledge
 of the penalties involved for willfully making
 a false statement.

Signed;
Ed H. Aswell
 April 28, 1962

KALININIA ST. 4-24
 Minsk,
 U. S. S. R.

RECEIVED
JUN 14 1963
NAVY DISCHARGE
REVIEW BOARD

CHANGE OF ADDRESS
NOTICE TO
CORRESPONDENTS
POD Form 3573
MAY 1959

5c U.S. POSTAGE

NAVY Discharge Review
Board
NAVY Dept
Washington, 25
D.C.

NAME *LEE H. OSWALD* TELEPHONE NO.

PRINT OR TYPE

HOUSE NO. AND STREET, APT. NO., OR BOX OR R. D. NO. (In care of)
2703 mercedes ST.

CITY, ZONE, AND STATE
FT. WORTH, TEXAS

HOUSE NO. AND STREET, APT. NO., OR BOX OR R. D. NO. (In care of)
P.O. BOX 30061

CITY, ZONE, AND STATE
NEW ORLEANS, LA.

SIGN HERE *Lee H. Oswald* EFFECTIVE DATE *MAY 1 1963*

658-16-74248-2

I REFER TO EXOS; QB(33)
EIC G-HM 5 JUN 1963

MR. L. H. OSWALD
7313 DAVANPORT ST.
FORT WORTH,
TEXAS

NAVY DISCHARGE REVIEW BOARD
WASHINGTON 25, D.C.

U.S. AIR FORCE
U.S. AIR FORCE

EXOS:QB (h11)
EIC:ghm

6 Aug 1962

Mr. Lee H. Oswald
2703 Mercedes Street
Fort Worth, Texas

Dear Mr. Oswald:

Your application for a review of your discharge was received on 20 June.

Because of the large number of applications to be processed, and the care which is given to each one, it requires from four to six months to complete a review. You will be notified promptly when final action has been taken.

Sincerely yours,

E. I. CARSON
Commander, USNR
Secretary
Navy Discharge Review Board

COMMISSION EXHIBIT 780—Continued

LEE H. OSWALD
U.S.M.C. 1653230
2703 MERCEDES
FORT. WORTH.
TEXAS



NAVY DISCHARGE
REVIEW BOARD
WASHINGTON 25, D.C.

D-5

LEE H. OSWALD (1653230)
2703 MERCEDES ST.
FORT WORTH, TEXAS

H.Q.M.C.
Washington D.C.

Dear Sir,

In regard to my request for a
hearing by the "board" of review H.Q.M.C.
of my discharge.

I filled in a DD form 293 and sent it
in early July.

Please notify me of action taken
in regard to my request.

Sincerely,
L.H. Oswald





DEPARTMENT OF THE NAVY
NAVY DISCHARGE REVIEW BOARD
WASHINGTON 25, D.C.

JUL 25 1963

IN REPLY REFER TO
EXOS:QB(33)
JAP:gjc

From: President, Navy Discharge Review Board
To: Commandant of the Marine Corps

Subj: OSWALD, Lee Harvey Ex-Pfc 1653230 USMC
Review of Discharge of and transmittal of enclosures listed below

Ref: (a) Servicemen's Readjustment Act of 1944 (P.L. 346-78th Cong.)

Encl: 1. NDRB findings, conclusion and decision
2. Copy of NDRB letter to subject individual
3. Service Record

1. In accordance with Sec. 301 of Ref. (a), the Navy Discharge Review Board has reviewed the discharge given to the subject individual. The date of review was 10 July 1963.

2. The Secretary of the Navy has reviewed the proceedings of the Board and taken action as indicated:

BOARD DECISION

SECNAV ACTION

EFFECT

<input type="checkbox"/> Change to _____	<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Change to _____
<input checked="" type="checkbox"/> No Change	<input type="checkbox"/> Disapproved	<input checked="" type="checkbox"/> No Change
<input type="checkbox"/> Modify or Correct (See Board's Decision)		<input type="checkbox"/> Modify or Correct

3. This letter and enclosures should be placed with subject's records.

4. Enclosures (listed above) are forwarded for appropriate disposition. Return receipt is requested.

D. W. BOWMAN

From: Commandant of the Marine Corps
To: President, Navy Discharge Review Board

1. Receipt of above mentioned enclosures is hereby acknowledged.

NAVEXOS 1960/2 (REV. 11-62)

REC'D BY L. J. K.
DATE 25 JUL 1963

COMMISSION EXHIBIT 780—Continued



DEPARTMENT OF THE NAVY

NAVY DISCHARGE REVIEW BOARD

WASHINGTON 25, D. C.

IN REPLY REFER TO

EXOS:QB(33)

JAP:gje

JUL 25 1963

Mr. Lee H. Oswald
P. O. Box 30061
New Orleans, La.

Dear Mr. Oswald:

The review of your discharge has been completed in accordance with the regulations governing the procedures of this Board. Careful consideration was given to the evidence presented in your behalf as well as that contained in your official records. The Secretary of the Navy has reviewed the proceedings of the Board.

It is the decision that no change, correction or modification is warranted in your discharge.

Sincerely yours,

D. W. BOWMAN
Captain, USN
President
Navy Discharge Review Board

REGISTERED

Encls: Original Discharge Certificate.
Two (2) letters dated 31 Jan 1962, 13 Nov 1961.
Information on Reenlistment

NAVEOS 1900/1 (REV. 11-62)

822330

COMMISSION EXHIBIT 780—Continued

JAP:gje

D# 8812

OSWALD, Lee Harvey

Ex-Pfc

1653230

USMC

Summary of Service, Commendations and Offenses: (CONT'D)

11Sep59 Released from active duty (Honorable) and assigned to Ready Reserve, Class III. Transferred to MARTC, NAS, Glenview, Ill., for completion of 6 years obligated service ending 8Dec62.

MEDICAL RECORD: Contains nothing pertinent.

29Jul60 HQ, MARTC, NAS, Glenview, Ill.
Mobilization Planning Officer, recommended pet be discharged by reason of unfitness based on reliable information which indicated that pet had renounced his U.S. citizenship with the intentions of becoming a permanent citizen of the Union of Soviet Socialist Republics. Pet's case was heard (in absentia) by the Hardship, Retention and Desirability Board who recommended discharge by reason of unfitness. Pet was notified by certified mail that a board would convene to determine his fitness, and afforded him his rights. The correspondence was returned unclaimed. The findings, opinions and recommendations of the Board were approved by CCMART on 9Aug60, and forwarded to CMC for final determination.
17Aug60 CMC approved and directed discharge.
13Sep60 Discharged by HQ, MARTC, NAS, Glenview, Ill., Auth para 10277.2f, NCM.

COMMISSION EXHIBIT 780—Continued

DEPARTMENT OF THE NAVY
NAVY DISCHARGE REVIEW BOARD

TO: SECRETARY OF THE NAVY JAP:gc

DOCKET NO. 8812

REVIEW OF THE DISCHARGE OF OSWALD, Lee Harvey Ex-Pfc 1653230 USMC	CHARACTER OF DISCHARGE RECEIVED UNDES (UNFIT)
COUNCIL NONE	PETITIONER PRESENT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
	RECORD OF PROCEEDINGS OF REVIEW MADE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
	DATE OF REVIEW 10Jul63

DATE OF ENTRY IN NAVAL SERVICE 20Oct56	AGE 17/0	TIME OF LAST HELD 02Y 1CM 17D	RECOMMENDED 3.9h 1.1	TRAITS 1.05
--------------------------------------------------	--------------------	-----------------------------------------	--------------------------------	-----------------------

SUMMARY OF PETITIONER'S CLAIM: Petitioner requests recommendation for reenlistment, review of case and appropriate action. He submitted a brief which essentially states that his discharge was improperly issued. Also included was pet's statement and two letters from the U.S. Embassy, Moscow. As requested by pet, his lengthy statement was read to the board. It contained his contention that the Undesirable Discharge Board found against him primarily on the grounds that he went to USSR and allegedly renounced his U.S. citizenship to become a citizen of that country. Pet denied this allegation and claimed that since he had a choice of residence as an American citizen, such action could not be judged as being fair or impartial. He further stated that he did not violate any U.S. laws by his actions and quoted in part, an American Embassy, Moscow letter which stated: "Meanwhile, your continued retention of your present Soviet passport or an extension thereof does not prejudice in any way your claim to American citizenship."

SUMMARY OF SERVICE, COMMENDATIONS, AND OFFENSES:

Enl for 3 years. No prior service claimed. Attained equiv of High School grad through USAFI; Grad 16/54 AvnFundScol, JAX and completed AC&S OperCrse, Keesler AFB.

1May57 Pro to PFC.
MACS-1, MAG-11, 1stMAW, FMF

11Apr58 SumCN Violate a lawful general order by having in his possession a privately-owned weapon that was not registered. Sent as appr: CHL for 20 days and forf \$25.00 per mo for two mos and red to PVT. (Confinement suspended for 6 mos etc., but vacated on 27Jun58)

27Jun58 SumCN 1. Wrongfully use provoking words to a Staff NCO. (found guilty)
2. Assault a Staff NCO (found not guilty)
Sent as appr: CHL for 28 days and forf \$55.00 per mo for 1 month.

17Oct58 SubUnit 1, H&MS 11, MAG-11, 1stMAW
SRB JAG found that injury received by pet on 27Oct57 as a result of an accidental discharge of a weapon, was incurred in line of duty and not result of misconduct. (Upon opening his locker, a .22 cal pistol fell to the floor and discharged, wounding pet in the left elbow.)

MACS-9, NMHC, 3dMAW, AirF70FPac

1Mar59 Pro to PFC

17Aug59 Pet submitted a request for dependency discharge, by reason of hardship on the part of his mother. Pet appeared before the Hardship/Dependency discharge Board who recommended that he be released from active duty for reason of dependency. Appr by CO, 3dMAW on 31Aug59.

(SEE ATTACHED SHEET)

COMMISSION EXHIBIT 780—Continued

REVIEW OF THE DISCHARGE OF

OGMAID, Lee Harvey Ex-Pfc 1653230 USMC

CHARACTER OF DISCHARGE RECEIVED
UNDES (UNFIT)

CONCLUSION

REMARKS

The service record of petitioner shows that he was discharged as unfit for good and sufficient reasons. This was based on reliable information which indicated that he had renounced his U.S. citizenship with the intentions of becoming a permanent citizen of the Union of Soviet Socialist Republics. Further, that petitioner brought discredit to the Marine Corps through adverse newspaper publicity, which was generated by the foregoing action, and had thereby, in the opinion of his commanding officer, proved himself unfit for retention in the naval service.

After careful consideration of the facts presented in all available records of the Department of the Navy and of the claims and evidence submitted, the Board finds that the discharge was proper and equitable under standards of law and discipline applicable at the time, or since made applicable, and that the discharge accurately reflects petitioner's conduct and character during the period of service which was terminated by the discharge. Not finding sufficient evidence to support a contrary conclusion, the Board concludes that no change, correction or modification should be made in the type or character of the discharge.

DECISION: NO CHANGE. ~~UNDESIRABLE DISCHARGE~~

It is the decision of the Board that the character of the discharge originally issued is proper and that no change, correction or modification be made in the Undesirable Discharge.

(Auth: Sec. 301, Servicemen's Readjustment Act of 1944, P.L. 246 - 78th Congress)

BOARD MEMBERS	
President	MEMBER
MEMBER	MEMBER
JOHN H. CARROLL, LTCOL, USMC	LYLE W. PADS, LCDR, USN
MEMBER	MEMBER
B. O. CARLOCK, LTCOL, USMC	WILLIAM G. BOWEN, MAJ, USMC
MEMBER	RECORDED - CERTIFIED TO BE CORRECT
MEMBER	J. A. POLITORT, MAJ, USMC
Forwarded	Reviewed and Approved
	PAUL B. FAY, Jr.
	Under Secretary of the Navy
C. W. TRAVIS, CAPT, USN	Secretary of the Navy
Director, Navy Council of Personnel Boards	
REVIEW OF DISCHARGE	
NAVCOS-7409 (REV. 6-61)	

COMMISSION EXHIBIT 780—Continued