

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PAUL HOCH,)
)
 Plaintiff,)
)
 v.)
) Civil Action No. 82-0754
 CENTRAL INTELLIGENCE)
 AGENCY,)
)
 Defendant.)
)
)

MEMORANDUM OF POINTS AND AUTHORITIES
IN FURTHER SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

Preliminary Statement

In this action arising under the Freedom of Information Act, 5 U.S.C. §552, as amended, plaintiff seeks certain information from the Central Intelligence Agency (CIA) pertaining to the investigation of the assassination of President Kennedy. Defendant has moved for summary judgment with regard to all the records at issue in this action and, in support of this Motion, submitted to the Court on July 22, 1982, a memorandum of points and authorities, the Affidavit of Louis J. Dube and a Document Description Index (DDI), justifying the FOIA exemptions invoked to withhold certain information.

Subsequently, plaintiff petitioned this Court for an Order compelling supplemental affidavits from those agencies which

provided information to the CIA that was thereafter incorporated into CIA documents.¹ Defendant did not oppose plaintiff's motion and advised the Court that it would provide supplemental affidavits. Accordingly, defendant submits herewith the Declaration of John N. Phillips, Special Agent, Federal Bureau of Investigation (FBI) (hereinafter "Phillips Declaration"), the Declaration of Gary L. Haegele, Special Agent, FBI (hereinafter "Haegele Declaration"), the Declaration of Major Alan C. Ernst, General Law Division, Office of the Judge Advocate General (hereinafter "Ernst Declaration"), and the Affidavit of Wendell B. White, Acting Director of Policy, National Security Agency (NSA) (hereinafter "White Affidavit").

For the reasons set forth below, and based upon the entire record herein, defendant respectfully submits that information obtained by the CIA from the FBI, NSA and Department of the Air Force was properly withheld pursuant to Exemptions 1, 3, 6, 7(C) and 7(D) of the FOIA, 5 U.S.C. §552(b)(1), (b)(3), (b)(6), (7)(C) and (7)(D).

¹ These agencies are the Federal Bureau of Investigation, Department of State, National Security Agency and Department of the Air Force. The Department of State has now informed the CIA that it no longer considers its information exempt. Accordingly, by letter dated February 3, 1983, the CIA released the portions of Document No. 1535-1105-A containing Department of State information (letter and documents attached hereto as Exhibit A).

Argument

I. Pursuant to 5 U.S.C. §552(b)(1),
Defendant Has Properly Withheld
Information Which Is Properly
Classified Pursuant To Executive
Order 12356

Title 5, United States Code, Section 552(b)(1), exempts from disclosure records that are:

(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order.

5 U.S.C. §552(b)(1). All of the classified information provided to the CIA by other agencies meets the criteria of Exemption 1 of the FOIA and Executive Order (E.O.) 12356 and is therefore properly exempt from disclosure.

Under E.O. 12356, information may be considered for classification only if it falls within one of the classification categories in section 1.3(a) of the Executive Order. If information falls within one of those categories, it may be classified if an original classification authority further determines that the unauthorized disclosure of the information, either by itself or in the context of other information, reasonably could be expected to cause damage to the national security. E.O. 12356, §1.3(b).

In the instant action, certain FBI and NSA information appearing in CIA documents falls into at least one classification

category: information concerning intelligence activities, sources and methods. E.O. 12356, §1.3(a)(4).² Haegele Declaration, ¶4; White Affidavit, ¶¶5, 9. The information, which was properly classified and withheld by the FBI and NSA pursuant to Exemption 1, Haegele Declaration, ¶¶4-5; White Affidavit ¶¶5, 9, encompasses such matters as:

1. intelligence source singular identifier;
2. information provided by an intelligence source that is detailed and specific, the disclosure of which could lead to the identification of the source;
3. specific information about an intelligence activity or method;
4. information obtained from foreign electromagnetic signals.

Haegele Declaration, ¶7; White Affidavit, ¶5(b).

The consequences of disclosing information pertaining to these intelligence activities, sources and methods -- and the consequent danger to national security -- are detailed in the Haegele Declaration and White Affidavit. See Haegele Declaration, ¶6; White Affidavit; ¶¶7-8. Those descriptions fully

² NSA cannot state in a public affidavit the full nature of its information. See White Affidavit, ¶11. However, as Mr. White attests, the information concerns "intelligence product derived from the intercept of foreign electromagnetic transmissions," ¶5(b), and "intelligence operations," ¶9.

support the presumption in Executive Order 12356, §1.3(c), that the unauthorized disclosure of intelligence sources and methods would cause damage to the national security.

With regard to the FBI information, as the Haegele Declaration attests, disclosure of this information could reasonably be expected to lead to the identification of intelligence sources. See ¶6. The Haegele Declaration (¶6(a)) further articulates and specifically identifies the damage that would result from the identification of an intelligence source:

- (i) Death of the source;
- (ii) Discontinuance of the source's services with resulting loss of intelligence information;
- (iii) Damage to other ongoing intelligence activities;
- (iv) Modification or cancellation of future intelligence activities;
- (v) Evaluation by hostile entities of the number and objectives of informants targeted against them, thereby allowing the hostile entities to take appropriate countermeasures, again causing loss of intelligence information; and
- (vi) An overall chilling effect on intelligence collection because the increased risk of exposure and its consequences (loss of jobs, friends status, etc.) would discourage current and prospective sources from cooperating.

Additionally, damage to the national security also may reasonably be expected to result from disclosure of intelligence activities or methods. See id., ¶6(a). Disclosure of an activity or method

could reveal the existence of a particular intelligence or counterintelligence investigation. Id. Disclosure could further indicate the nature, objectives, priorities, scope or thrust of the operation. Id. Finally, disclosure of a method utilized could enable a hostile analyst to assess the government's intelligence capabilities, determine what areas or targets have been compromised and institute countermeasures to frustrate future intelligence operations. Id.

With regard to the NSA information, the White Affidavit describes in detail how disclosure of intercepted foreign communications would interfere with NSA's mission of "obtain[ing] information from foreign electromagnetic signals and ... provid[ing] reports derived from such information or data on a rapid response basis to national policy makers and the intelligence community of the United States Government." White Affidavit, ¶4. Indeed, as Mr. White attests:

The continued efficacy of this method requires that the circuits actually monitored remain unidentified. If a foreign government obtains sufficient reason to suspect that NSA is able to target and process such government's radio communications, such government may take steps to secure its communications by upgrading or initiating cryptography or may deliberately use the suspect communication channels to pass misleading information. If a foreign power is successful in defeating an interception operation, all of the intelligence from that source is lost until and unless NSA can establish a new and equivalent intercept capability.

Id., ¶7.

In sum, the FBI and NSA information in the documents at issue was reviewed for classification in light of the foregoing factors. The withheld information consists of intelligence activities, sources or methods and thus falls within the classification categories enumerated in Executive Order 12356. Haegele Declaration, ¶4; White Affidavit, ¶9. The release of this information could reasonably be expected to cause harm to the national security, as described above. All segregable information -- i.e., information which would not damage national security -- has been released. Haegele Declaration, ¶3; White Affidavit, ¶¶5(a), 8. Thus, the Haegele Declaration and White Affidavit fully establish that the FBI and NSA information provided to the CIA is properly classified in accordance with the substantive criteria of Executive Order 12356. See, e.g., Taylor v. Department of the Army, 684 F.2d 99, 109 (D.C. Cir. 1982); Carlisle Tire & Rubber Co. v. United States Customs Service, 663 F.2d 210, 216 (D.C. Cir. 1980); Hayden v. National Security Agency/Central Security Service, 608 F.2d 1381, 1387-88 (D.C. Cir. 1979), cert. denied, 446 U.S. 937 (1980).

The documents are also properly classified in accordance with the procedural requirements of Executive Order 12356. See Haegele Declaration, ¶5; White Affidavit, ¶5(d). Both Mr. Haegele and Mr. White personally reviewed the information and both have classification authority. See Haegele Declaration, ¶¶1, 3; White Affidavit, ¶¶1, 5.

Having established that the particular information in question is specifically authorized to be kept secret in the interest of national security, and that it is in fact properly classified pursuant to Executive Order 12356, it is clear that the records are properly exempt pursuant to Exemption 1 of the FOIA. See, e.g., Salisbury v. United States, 690 F.2d 966, 973 (D.C. Cir. 1982); Taylor v. Department of the Army, 684 F.2d at 109; Stein v. Department of Justice, 662 F.2d 1245, 1253 (7th Cir. 1981); Halperin v. Central Intelligence Agency, 629 F.2d 144, 148 (D.C. Cir. 1980); Hayden v. National Security Agency/Central Security Service, 608 F.2d at 1384.

II. Pursuant to 5 U.S.C. §552(b)(3),
Defendant Has Properly Withheld
Information The Release Of Which
Is Prohibited By Statute

Title 5, United States Code, Section 552(b)(3), exempts from mandatory disclosure information

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld.

5 U.S.C. §552(b)(3). In the instant action, NSA has invoked Exemption 3 to have the CIA withhold intelligence reporting

based on electromagnetic signals pursuant to NSA's broad non-disclosure statute, Pub. L. 86-36.³ This statute provides:

Except as provided in subsection (b) of this section, nothing in this Act or any other law ... shall be construed to require the disclosure of the organization or any function of the National Security Agency, of any information with respect to the activities thereof, or of the names, titles, salaries, or number of the persons employed by such agency.

Pub. L. No. 86-36, 73 Stat. 63 (1959) (codified at 50 U.S.C. §402 (1976)) (emphasis added).

It is well-established that Pub. L. 86-36 is an Exemption 3 statute. See Founding Church of Scientology v. National Security Agency, 610 F.2d 824, 827-28 (D.C. Cir. 1979); Hayden v. National Security Agency/Central Security Service, 608 F.2d at 1389.

Thus, the only remaining question is whether the NSA information which the CIA seeks to withhold falls within the scope of Pub. L. 86-36.

³ It should be noted that all of the information withheld by NSA is also within the scope of 18 U.S.C. §798, which prohibits the unauthorized disclosure of classified information concerning communications intelligence, and 50 U.S.C. §403(d)(3), which protects intelligence sources and methods. White Affidavit, ¶¶5(e), 10. Each of these is an Exemption 3 statute, see, e.g., Halperin v. Central Intelligence Agency, 629 F.2d 144, 147 & n.7 (D.C. Cir. 1980), (50 U.S.C. §403(d)(3) qualifies as an Exemption 3 statute); H.R. Rep. No. 1380, 93d Cong., 2d Sess. 12 (1974) (18 U.S.C. 798 is an Exemption 3 statute), and each also protects the information at issue. See White Affidavit, ¶10.

The leading case construing the scope of Pub. L. 86-36 is Hayden v. National Security Agency/Central Security Service, 608 F.2d 1381. In Hayden, NSA invoked Exemption 3 and Pub. L. 86-36 to withhold intelligence reporting based on electromagnetic signals -- which is the same type of information at issue in the instant action. See White Affidavit, ¶5(b). First, the Court of Appeals for this Circuit specifically recognized the breadth of Pub. L. 86-36, finding it encompassed all functions and activities of NSA. 608 F.2d at 1389. Accordingly, it held that intelligence reporting from electromagnetic signals was within the scope of information protected by the statute:

The public record in this case demonstrates that release of the documents would disclose a function of the NSA, since signals intelligence is one of the Agency's primary functions; and would disclose information with respect to Agency activities, since any information about an intercepted communication concerns an NSA activity. Certainly where the function or activity is authorized by statute and not otherwise unlawful, NSA materials integrally related to that function or activity fall within Public Law No. 86-36 and Exemption 3.

Id.

Second, the court of appeals in Hayden provided guidance regarding the specificity required of supporting affidavits. It held that such an affidavit must provide (1) a description of the NSA activity described in the records and (2) an explanation of how disclosure would "reveal information integrally related to this NSA activity." 608 F.2d at 1390.

The White Affidavit clearly meets the criteria set forth in Hayden. The NSA information at issue in the instant action consists of information derived from the intercept of foreign electromagnetic emissions. White Affidavit, ¶5(b). Mr. White sets forth in detail the nature of this activity, see ¶¶6-9, and describes how the release of the information would interfere with NSA's mission of obtaining information from foreign electromagnetic signals. Id.

Thus, as in Hayden, NSA has fully demonstrated that the withheld information falls within the scope of Pub. L. 86-36. Accordingly, Exemption 3, as well as Exemption 1, has been properly invoked to withhold the NSA information.

III. Pursuant to 5 U.S.C. §552(b)(6),
Defendant Has Properly Withheld
Information The Release Of Which
Would Constitute A Clearly Unwar-
ranted Invasion of Personal Privacy

Title 5, United States Code, Section 552(b)(6), exempts from mandatory disclosure

personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

5 U.S.C. §552(b)(6). In the instant action, the Department of the Air Force has invoked Exemption 6 of the FOIA to withhold two lines from CIA document number 1557-1114-B which pertain to personal medical information about a third party whose name is mentioned in the document. See Ernst Declaration, p. 1.

It is clear that this information meets the threshold requirement of Exemption 6 in that it constitutes medical information. Thus, the only remaining question is whether the primary interests of this individual are outweighed by the public interest in disclosure. See Department of the Air Force v. Rose, 425 U.S. 352, 372 (1976).

In assessing the nature of privacy invasions, the courts have vigorously protected the personal, intimate details of an individual's life the release of which is likely to cause distress or embarrassment. Examples of such protection under Exemption 6 include information concerning marital status, legitimacy of children, medical condition, welfare payments, family fights and reputation. See, e.g., Rural Housing Alliance v. Department of Agriculture, 498 F.2d 73, 77 (D.C. Cir. 1974). Moreover, the mere fact that the records pertain to a subject with widespread public interest does not per se offset legitimate privacy interests. See Fund for Constitutional Government v. National Archives & Records Service, 656 F.2d 856, 865-66 (D.C. Cir. 1981) (privacy interest of individuals investigated, but not indicted, during Watergate outweighed public interest in disclosure).

The only information the Department of the Air Force has had withheld here is a very small amount of medical information concerning an individual mentioned in the file. Ernst Declaration,

pp. 1-2. Defendant discerns no public interest that outweighs the evident privacy interest. Thus, this information is clearly protected pursuant to Exemption 6. See Rural Housing Alliance v. Department of Agriculture, 495 F.2d at 77. Accordingly, Exemption 6 has been properly invoked to withhold this information.

IV. Pursuant to 5 U.S.C. §552(b)(7)(C)
And (7)(D), Defendant Has Properly
Withheld Certain Information Pro-
vided From FBI Investigative Files

Title 5, United States Code, Section 552(b)(7)(C) and (7)(D)
exempts from mandatory disclosure

(7) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would ... (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source

5 U.S.C. §552(b)(7)(C), (7)(D). In the instant case, the FBI has withheld certain information pursuant to Exemptions 7(C) and 7(D) that appears in two CIA documents. Phillips Declaration, Exh. B.

This FBI information meets the threshold requirements of Exemption 7 in that it was derived from FBI investigatory records compiled for law enforcement purposes. Phillips Declaration, ¶4. See Federal Bureau of Investigation v. Abramson, ___ U.S. ___,

102 S.Ct. 2054, 2064 (1982). (See also Memorandum Of Points And Authorities In Support Of Defendant's Motion For Summary Judgment (Def. Mem.), pp. 16-17).

Certain information was properly withheld pursuant to Exemption 7(C) of the FOIA because it consisted of the names and identifying information of (1) FBI agents and (2) individuals mentioned in the file against whom allegations of wrongdoing were never proven. See Phillips Declaration, ¶B (1-2). The Phillips Declaration describes in detail the privacy interests at issue here. See id. It is well-established that the identities of FBI agents may be withheld pursuant to Exemption 7(C). See, e.g., Baez v. United States Department of Justice, 647 F.2d 1328, 1339 (D.C. Cir. 1980); Lesar v. United States Department of Justice, 636 F.2d 472, 487 (D.C. Cir. 1980). It is also clear that the identities of individuals appearing in investigative files -- against whom allegations were never proven -- are entitled to be protected by Exemption 7(C). See Fund for Constitutional Gov't v. National Archives & Records Serv., 636 F.2d at 861-66; Baez v. United States Department of Justice, 647 F.2d at 1338.

Other information was properly withheld pursuant to Exemption 7(D) of the FOIA because its disclosure would reveal the identity of sources reporting information to the FBI on a regular basis. Phillips Declaration, ¶C(1). See generally Def. Mem., p. 18.

The Phillips Declaration attests to the importance of source information to law enforcement agencies and the need to maintain confidentiality:

The manner in which the FBI obtains information from these sources is demonstrative of the express assurance of confidentiality under which it was received. It is only with the understanding of complete confidentiality that the aid of such people can be enlisted and it is only through this confidence that such individuals can be persuaded to continue to provide valuable assistance in the future.

Id. Accord Iglesias v. Central Intelligence Activity, 525 F. Supp. 547, 564 (1981). Moreover, courts have recognized the need to protect the identity of sources and have consistently upheld the invocation of Exemption 7(D) to withhold information that would identify a source. See, e.g., Lesar v. United States Department of Justice, 636 F.2d at 489-91; Duffin v. Carlson, 636 F.2d 709, 712-13 (D.C. Cir. 1980).

In sum, the CIA properly withheld certain FBI information appearing in CIA documents pursuant to Exemptions 7(C) and 7(D), because the release of this information would result in an unwarranted invasion of the privacy of certain individuals and reveal the identity of a confidential source. Phillips Declaration, ¶¶B-C.

Conclusion


For the foregoing reasons, and based upon the entire record herein, defendant respectfully submits that its Motion For Summary Judgment should be granted as to all information in CIA documents which was provided by other agencies.⁴

Respectfully submitted,

STANLEY S. HARRIS
United States Attorney

ROYCE C. LAMBERTH
Assistant United States Attorney

Dated: February 28, 1983


LAURA F. EINSTEIN
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⁴ Defendant further submits that it is entitled to summary judgment as to all records at issue in this action. In support, defendant intends to file with the Court additional reasons why Plaintiff's pending Motion To Stay Consideration of Defendant's Motion For Summary Judgment Pending Completion Of Discovery and Motion For A Supplemental Vaughn v. Rosen Index should be denied.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Memorandum Of Points And Authorities In Further Support Of Defendant's Motion For Summary Judgment -- and accompanying attachment, Declarations and Affidavit -- as served upon plaintiff by deposit of a copy thereof in the U.S. mail, postage prepaid, first class mail, addressed to:

James H. Lesar, Esq.
Fensterwald & Associates
Suite 900
1000 Wilson Boulevard
Arlington, Virginia 22209

on this 20th day of February 1983.



LAURA F. EINSTEIN

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

3 February 1983

James H. Lesar, Esquire
Suite 900
1000 Wilson Boulevard
Arlington, VA 22209

Dear Mr. Lesar:

Re: Hoch v. CIA
C.A. No. 82-0754

Attached you will find a newly sanitized version of document number 1535-1105-A.

The Department of State has concluded that their information, which had been previously withheld, can now be released. Accordingly, we are releasing the document to you with only the name of a CIA staff employee and internal organizational data deleted under exemption (b)(3) of the Freedom of Information Act.

Sincerely,



Larry R. Strawderman
Information and Privacy Coordinator

Attachment, a/s

CC: Laura Einstein, Esquire

2 December 1963

MEMORANDUM FOR THE RECORD

SUBJECT: Immigration File of Marina N. OSWALD
(A-12 530 045)

27 November 1963, [redacted] brought in a copy of material contained in the file of Marina N. OSWALD. He stated that there were three reports, copies of which could not be obtained, namely, (a) FBI Report of the Dallas Field Office, dated 3 July 1961; (b) a Department of State Report dated 11 July 1961; (c) an ONI Report dated 18 December 1961. The documents have been numbered in the lower left hand corner, in green pencil, from 1 through 44. For ready reference they will be identified according to this green pencil number.

1. Notation dated 23-11-63 that an inquiry had been made about the file of Marina OSWALD.
2. Form dated 13-6-62 in which Marina OSWALD applied for a new alien registration card, stating the original one had been lost.
3. Part of application mentioned in 2 above (gives date and place of birth, entry into the States, etc.)
4. Letter from USI&NS Dallas dated 3 July 1962, to Lee H. OSWALD concerning his daughter's birth certificate.
5. Undated letter of Lee H. OSWALD to USI&NS San Antonio, Texas, requesting that the birth certificate of his daughter, June OSWALD, be sent to him.
6. Undated letter from Lee H. OSWALD to USI&NS, Dallas, Texas, regarding his wife's visa papers. (Her file # A-12-530 045) Also about his daughter's birth certificate.
7. Undated letter by Lee H. OSWALD to USI&NS, Dallas, about his daughter's citizenship and birth certificate.
8. Letter to Marina N. OSWALD from USI&NS, dated 13 July 1962, concerning her declaration for citizenship.

Previously released
APPROVED FOR RELEASE
Date 3 Feb 1982

Document Number
for FOIA Review on

1535-1105-A
FEB 1978

APPROVED FOR RELEASE
Date 3 February 1982

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9. Affidavit of responsibility for Marina OSWALD by one Byron PHILLIPS, dated 13 March 1962.
10. Letter from American Embassy, Moscow, USSR, dated 23 May 1962. Certifying that certain documents were not received, necessary before issuing an immigration visa for Mrs. Marina OSWALD.
11. Letter from Deputy Associate Commissioner of Travel Control to Acting Administrator Bureau of Security and Consular Affairs, Washington, D.C., cc's to San Pedro, California, Dallas and San Antonio. It deals with the review of the immigration case of Mariana N. P. OSWALD and states that certain sanctions are waived in her favor.
12. Twelve and thirteen are communications stating the facts upon which the above review was based.
13. See 12 above.
14. This is a letter from the District Director of USI&NS to American Embassy, Moscow, advising that Waive of Sanctions was not authorized.
15. Letter by District Director USI&NS dated 28 February to Department of State, cc to U.S. Embassy, Moscow, advising Mrs. OSWALD's petition was approved but waiver of sanctions was not authorized.
16. Form of USI&NS dated 28 February 1962 to Lee Harvey OSWALD in Minsk, USSR, stating Petition for his wife (to secure a visa) was approved.
17. Letter to American Embassy, dated 28 February 1962, from District Director USI&NS, states attached is approved Visa Petition submitted by Lee Harvey OSWALD on behalf of his wife.
18. Is the attachment referred to. It contains a discussion of the background of Lee Harvey OSWALD since his appearance in the Soviet Union in 1959.
19. This is apparently a Russian form (in Russian language) filled in by Marina OSWALD.
20. This is apparently a Russian form (in Russian language) filled in by Marina OSWALD.

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21. Is the visa application form, in English, of Mariana OSWALD.
22. Is a continuation (partly in Russian) of the visa application of Marina OSWALD.
23. This is a certificate of acknowledgement of execution of an instrument by Lee Harvey OSWALD. (Before U.S. Consul Jack F. Matlock, 24 May 1962, U. S. Embassy, Moscow.)
24. This is a statement by U. S. Consul Jack F. Matlock, 24 May 1962, that Sanctions imposed by Section 243 (g) of the Immigration and Nationality Act have been waived in the case of Marina Prusakova OSWALD.
25. This is a copy of the birth certificate of June Lee OSWALD, born 15 February 1962, at Minsk, USSR.
26. This is a copy of the fingerprints of Marina N. OSWALD, 24 May 1962.
27. This is a USI&NS form which is the Petition to Classify Status of Alien for issuance of Immigration Visa.
28. Telegram from USI&NS San Antonio to Washington, D.C. recommending sanctions be not waived. (dated 7 February 1962)
29. Telegram from USI&NS Washington, D. C. to USI&NS San Antonio asking to advise when action was taken if petition was still pending.
30. Telegram from San Antonio stating that recommendation not to waive sanctions had been forwarded.
31. This is same as # 29.
32. This is same as # 30.
33. Office memorandum dated 31 January 1962, to Central Office, Washington, D. C., from District Director, San Antonio. On Subject of Waiver of Sanctions. Whole file transmitted. Noted that an order of denial was entered. The petition was completed by the Dallas Office to show approval, such action was not sustained by San Antonio. The case was certified to Main Office for final determination.

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34. This is a letter forwarding file from Dallas to San Antonio, 26 January 1962.
35. Telegram to Washington, D. C. from Dallas USI&NS stating action on petition will be taken as soon as investigation is completed.
36. Telegram from Washington to Dallas stating case forwarded to Dallas.
37. Furnishes information from the files of the Passport Office on Lee Harvey OSWALD. Contains 4 pages of history of OSWALD's actions re: trip to USSR, renouncing U.S. citizenship, favoring the USSR, etc.
38. Memorandum from Dallas USI&NS to Passport Division, Department of State, requesting any information on Lee Harvey OSWALD.
39. This is a name check form submitted by USI&NS on Lee Harvey OSWALD, 5 December 1961.
40. This is a request for New Orleans check on Vital Statistics of Lee Harvey OSWALD.
41. Letter to Dallas USI&NS from Visa Office, Washington, D. C., stating Mrs. Marina N. P. OSWALD was not ineligible to receive a visa.
42. Department of State form for check on Lee Harvey OSWALD sent to Dallas Field Office of FBI (19 October 1961).
43. Page headed 10 October 1961, "Investigation Div" (Department or Bureau not stated) and requests that it be determined if OSWALD is a U. S. citizen, etc.
44. This is a copy of a letter from Lee Harvey OSWALD, dated 17 January 1962, addressed to American Embassy, Moscow, and contains an affidavit of support for his wife in the U. S.

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