

QUESTIONNAIRE

SECTION I

1. (a) During your foreign residence, have you previously appeared at a consular office of the United States for the purpose of applying for a passport, or to be registered as a national of the United States, or for any other purpose? (Yes or No) If "Yes", give date of each appearance, place of such office and purpose of appearance.

(b) If you were accompanied by anyone when you appeared, give name, relationship, and address of each such person and place and date of appearance.

2. (a) Are you known or considered in your community to be a national of the country in which you are residing? (Yes or No)

(b) If your answer to 2(a) is "No", explain why not. _____

(c) If your answer to 2(a) is "Yes", did you ever renounce, or attempt to renounce, the nationality of the country in which you are residing? (Yes or No) If "Yes", state the circumstances giving date, place and name(s) of official(s) before whom renunciation or attempted renunciation was made.

3. (a) Have you ever sought or obtained registration as a national of a foreign country, applied for or obtained a passport, certificate, card, document or other benefit therefrom in which you were described as a national of a country other than the United States? (Yes or No) If "Yes", give date and place of such action and a statement of the circumstances under which it took place.

(b) If your answer to 3(a) is "Yes", did you voluntarily seek or claim such benefit(s)? (Yes or No) If "No", please explain.

4. (a) Have you ever informed any local or national official of a foreign state that you are a national of the United States? (Yes or No) If "Yes", give name and address of such official and the date and circumstances under which he was so informed.

(b) If your answer to 4(a) is "No", explain why not. _____

5. Have you ever been a member of any foreign political party, organization, association, faction or group? _____ (Yes or No) If "Yes", give details of joining each, address of headquarters, period of membership and purpose of becoming a member. _____

6. (a) Have you ever taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state? _____ (Yes or No) If "Yes", name the foreign state and explain the circumstances, giving the date and place when such oath, affirmation or declaration was made. _____

(b) If your answer to 6(a) is "Yes", did you take such oath or make such affirmation or other formal declaration of allegiance to the foreign state voluntarily? _____ (Yes or No) If "No", please explain. _____

7. Have you ever entered or served in the armed forces of a foreign state? _____ (Yes or No). If your answer is "Yes", please answer the questions in Section II.

8. Have you ever accepted, served in, or performed the duties of any office, post or employment under the government of a foreign state or political subdivision thereof? _____ (Yes or No) If "Yes", please answer questions in Section III.

9. Have you ever voted in a political election in a foreign state or participated in an election or plebiscite to determine sovereignty over foreign territory? _____ (Yes or No). If "Yes", please answer questions in Section IV.

SECTION II

1. Give date(s) of entry into and discharge from the armed forces of the foreign state. _____

2. Did you enter and serve in the armed forces of such foreign state voluntarily? _____ (Yes or No). If your answer is "No", please explain circumstances fully. _____

3. Did you protest against entry into or service in such armed forces? _____ (Yes or No). If your answer is "Yes", answer questions (a) to (e) inclusive.

(a) Was protest written or oral? _____

(b) Give date of protest. _____

(c) Give name, title and address of person to whom protest was made. _____

(d) Give names and addresses of any person who were present when protest was made. _____

(e) Give reason for protest against performance of military service. _____

4. Did you take any other affirmative action with a view to avoiding entry and service in such armed forces? _____.(Yes or No) Please explain your answer. _____

SECTION III

1. Give period(s) and place(s) of employment under the government of the foreign state or political subdivision thereof. _____

2. Give the title of the position or office which you held and the name of your superior officer. _____

3. Did you accept or perform the duties of the office, post or employment voluntarily? _____.(Yes or No) If your answer is "No", please explain. _____

4. When accepting or performing the duties of such office, post or employment, did you represent yourself to be a citizen of the United States or a national of the foreign state by which you were employed? _____ Explain your answer? _____

SECTION IV

1. Give exact date(s) and place(s) of voting and nature of each such election or plebiscite. _____

2. Did you vote in such election or plebiscite voluntarily? _____.(Yes or No) If your answer is "No", please explain circumstances fully. _____

3. Prior to voting, did you make a claim to United States citizenship or request any local or national official of the foreign state to excuse you from voting? _____.(Yes or No) If your answer is "Yes", give name and address of each official to whom the claim or request was made. _____

4. Was any compulsion, force, duress or other undue influence exerted upon you by any official or other person? _____(Yes or No). If "Yes", state name and address of each such official or person and give detailed statement of the circumstances. _____

5. If your answer to question 3 or 4 is "Yes", give names and addresses of any persons who were present at the time of the event. _____

6. In connection with voting, did you ever consult a United States Foreign Service Officer in an attempt to avoid voting or to seek advice about voting? (Yes or No) If "Yes", give date and place of consultation and the name of such officer.

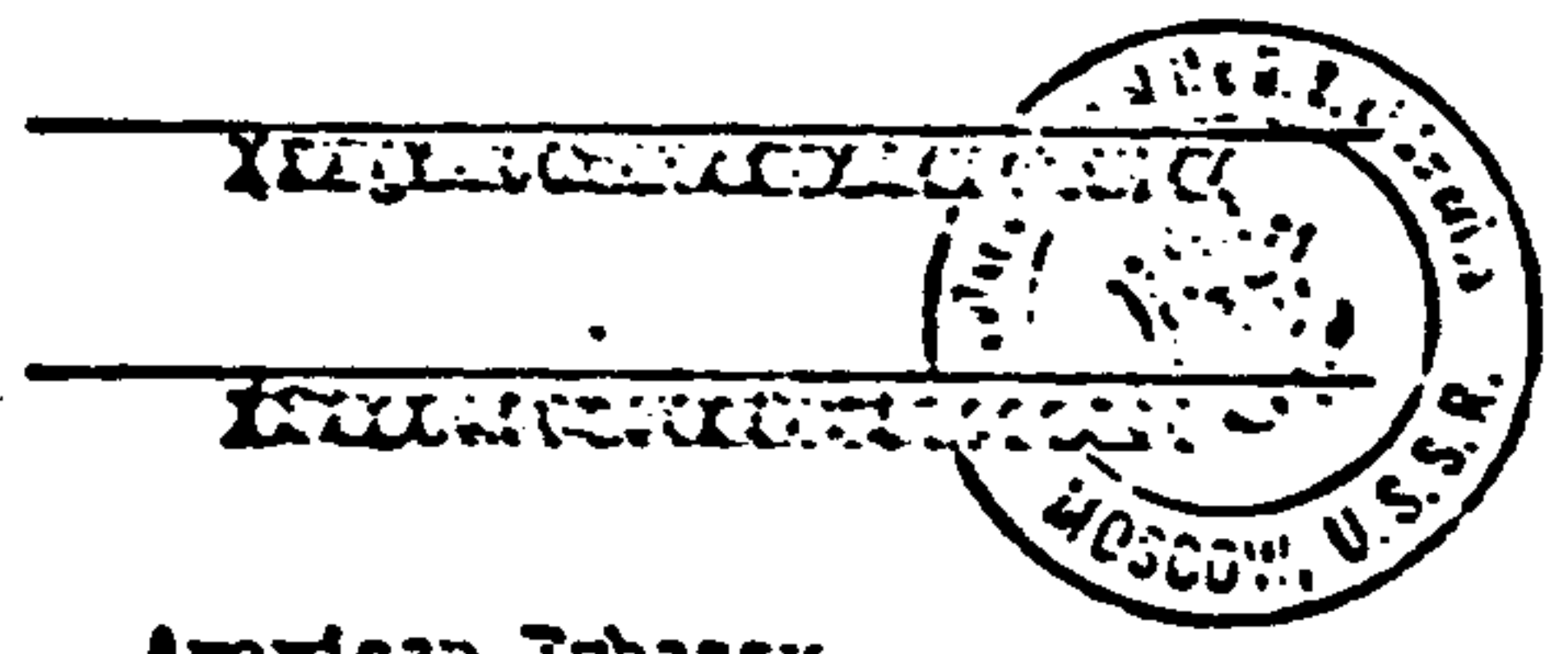
I have read (had read to me) the foregoing questions and answers in the _____ language and I understand their contents. I solemnly swear that the answers and explanations made by me in this questionnaire numbering four pages and in any attachments which are referred to herein are true to the best of my knowledge and belief.

Richard E. Snyder
(Signature of Applicant)

(Date)

Subscribed and sworn to before me this 10th day of July, 1961.

Richard E. Snyder
Consul of the
United States of America



American Embassy,
Moscow, U.S.S.R.

DATE SENT: 5/8/64 CLASSIFIED MATERIAL T 298730
Return Receipt Product

TO: Abraham Chayco/IE 6429 ES
DEPARTMENT OF STATE, WASHINGTON 25, D. C.

FROM: J. Lee Rankin 200 Maryland Avenue, N.E.

DATE RECEIVED: _____
(Signature of Addressee)

IDENTIFICATION: Letter of May 8 with answers to
questions in Attachment B of Commission's letter
of March 23.

FORM DS-404 ADDRESSSEE SIGN AFTER CHECKING AND RETURN TO SENDER
8-60

Commission Exhibit No. 948

Commission Exhibit No. 948

THE LEGAL ADVISER
DEPARTMENT OF STATE
WASHINGTON

May 8, 1964

SECRET

Commission Exhibit No. 948

Dear Mr. Rankin:

In response to your letter of March 23, 1964, I am enclosing answers to the questions contained in Attachment B of your letter. These questions refer to matters considered in the Department Report on Lee Harvey Oswald of last December and the underlying files subsequently requested and received by the Commission.

Please let us know if we can provide any further information on these or other matters.

Sincerely,



Abram Chayes

Enclosures:

Answers to 18 Questions
w/attachments.

Mr. J. Lee Rankin,
General Counsel,
President's Commission on the
Assassination of President Kennedy,
200 Maryland Avenue, N.E.,
Washington, D.C. 20002.

SECRET

Group 5
Declassified following
removal of classified attachments.

ATTACHMENT B

QUESTION 1

On a copy of a list of applicants for passports which was sent by telegram from the New Orleans Passport Office to the Passport Office in Washington, D. C., on June 24, 1963, opposite the name of Lee Harvey Oswald there appears the word, "NO." We would appreciate an explanation of the origin of this notation, its significance, if any, and the identity of the person who wrote it.

ANSWER - The notation "NO" was placed on the incoming teletype message from the New Orleans Passport Agency by one of the employees in the TWX Section of the Passport Office in Washington, D. C.

The "NO" signifies that this message originated in the New Orleans Passport Agency. All clearance lists from the Passport Agencies are similarly marked with the agency's designator symbol for indexing to insure correct filing of the message. The symbols are:
NO - New Orleans, BN - Boston, CG - Chicago, HH - Honolulu, LA - Los Angeles, MM - Miami, SF - San Francisco, NY - New York, SE - Seattle.

This symbol is routinely placed on the incoming teletype message by any one of the group of employees in the TWX Section. Its placement on the message opposite to the name of Lee Harvey Oswald is purely coincidental. The Department cannot determine which employee in the TWX Section wrote it.

ATTACHMENT B

QUESTION 2

A copy of a document dated June 20, 1962, attached hereto and marked "Exhibit A," refers to an "Operations Memorandum of June 12, 1962" which is said to be for inclusion in the passport file of Lee Harvey Oswald. Will you please describe this document and, if copies are still available, furnish us with a copy. If copies are not currently available, we would appreciate an explanation.

ANSWER - The Operations Memorandum of June 12, 1962 is in the passport file of Lee Harvey Oswald. A copy of this document was included in the photostatic copy of the Department's files which was sent to the Commission. We are, however, enclosing another copy.

OFFICIAL USE ONLY ATTACHMENTS

ATTACHMENT B

QUESTION 3

The files we have been furnished indicate that on February 1, 1961, as the result of a call by Mrs. Marguerite Oswald, the mother of Lee Harvey Oswald, the Department of State in Washington sent a request to the American Embassy in Moscow that it inform the Soviet Ministry of Foreign Affairs that Lee Harvey Oswald's mother was worried as to his personal safety and anxious to hear from him. Was this message encoded before being sent from Washington to the American Embassy in Moscow, or sent in some other manner designed to keep its contents hidden from Soviet authorities? Were the contents of the message ever communicated to the Soviet authorities? If they were, when was the communication made and to whom?

ANSWER - This message was sent by an instruction in a diplomatic pouch from the Department to the American Embassy in Moscow on February 1, 1961 (copy attached). It was not encoded, but since it was sent in a pouch, its contents could not have been seen by Soviet authorities before being received by the Embassy.

The Embassy responded by despatch on February 28, 1961. A copy of this response, which has been previously furnished to the Commission, is enclosed. As the response indicates, the Embassy received a letter from Oswald on February 13, 1961, and it was therefore unnecessary to request information from the Soviet authorities concerning his whereabouts.

OFFICIAL USE ONLY ATTACHMENTS

UNCLASSIFIED

OPERATIONS MEMORANDUM

File

TO: Department of State (SS) Date: June 12, 1962
FROM: Embassy Moscow
SUBJECT: WELFARE-DEPENDENTS: Lee Harvey Oswald and Family
REF: Foreign Affairs Manual, Volume 7, 123.9-1

Steamship tickets were purchased for Lee Oswald, his alien wife, and infant to be delivered to them in Rotterdam on June 1, 1962 for repatriation to the United States. Cost \$113. (DOT 1132, June, 1962, accounts of Virginia Kargin, 2310)

A portion of the cost of rail tickets for the Oswalds from Moscow to Rotterdam was also paid by the Embassy. Cost \$17.72. (DOT 1133, June, 1962) accounts of Virginia Kargin, 2310)

Total Embassy expenditures were thus \$135.72.

The Oswalds port of destination is New York.

cc: Passport Office

PASSPORT OFFICE
JUN 25 1962
PIZZAD

Secretary/vbv

UNCLASSIFIED

FORM 20-62

U.S. GOVERNMENT PRINTING OFFICE: 1961-0-20888

Commission Exhibit No. 948



DEPARTMENT OF STATE INSTRUCTION

L. H. ...

CLASS 25

CONFIDENTIAL USE ONLY

NOV 2 1927, February 1, 1928,

SUBJECT: ... Lee Henry Gould

To The American Embassy, Moscow:

Reference is made to the Embassy's ... dated July 6, 1927 and to previous correspondence concerning the subject.

Mrs. ... called at the Department on January 26, 1928. She had not heard from her son, Lee Henry Gould, since December, 1927, at which time he was residing at the ...

The Embassy is requested to inform the Ministry of Foreign Affairs that Mr. Gould's father is worried as to his present safety, and is anxious to hear from him.

...

CONFIDENTIAL USE ONLY

AIR MAIL
PRIORITY

OFFICIAL USE ONLY
(Security Classification)

FOREIGN SERVICE DESPATCH

261-1127-
Lee Harvey Oswald

FROM : Embassy MDCOIA
TO : THE DEPARTMENT OF STATE, WASHINGTON.
REF : A-127, February 1, 1961, Subject: Welfare-Whereabouts: Lee Harvey Oswald

585

February 28, 1961

Fed Dept. Use Only	ACTION	DEPT.
	SCS-2	FM/R-2, EUR-5, PPT-4
	8/7	OTHER

SUBJECT: CITIZENSHIP AND PASSPORTS: Lee Harvey Oswald

The Embassy received on February 13, 1961 the following undated letter from Lee Harvey Oswald postmarked Minsk February 5 and Moscow February 11:

"Dear Sirs:

Since I have not received a reply to my letter of December 1960, I am writing again asking that you consider my request for the return of my American passport.

I desire to return to the United States, that is if we could come to some agreement concerning the dropping of any legal proceedings against me. If so, then I would be free to ask the Russian authorities to allow me to leave. If I could show them my American passport, I am of the opinion they would give me an exit visa.

They have at no time insisted that I take Russian citizenship. I am living here with non-permanent type papers for a foreigner.

I cannot leave Minsk without permission, therefore I am writing rather than calling in person.

I hope that in recalling the responsibility I have to America that you remember yours in doing everything you can to help me since I am an American citizen.

Sincerely,

/s/ Lee Harvey Oswald

Oswald's present address as given on the envelope and in his letter is: Ulitsa Kulinina, House 4, Apartment 24, Minsk. The Department may wish to transmit this address to Mrs. Marguerite Oswald. It would presumably fulfill the requirement in paragraph three of the Department's referenced Airgram.

RSnyder/vdb

OFFICIAL USE ONLY

ACTION COPY - DEPARTMENT OF STATE

Commission Exhibit No. 948

X sent by SCS-Welfare @
inquiry from mother

OFFICIAL USE ONLY
(Classification)

Encl. No. _____
Dep. No. _____
From: 125004

The Embassy is writing to Oswald and suggesting that he come personally to the Embassy for an interview on which to base a decision concerning the status of his American citizenship. Oswald's reference in his letter to his being unable to leave Minsk without permission may indicate that he desires to come to the Embassy, in which case an invitation from the Embassy may facilitate his traveling to Moscow. The Embassy would as a last resort, if the Department found no objection and provided the Embassy were reasonably sure that Oswald had not committed an expatriating action, return his American passport to him by mail for what help this may be in facilitating his application for a Soviet exit visa.

The Embassy would like to be informed whether Oswald is subject to prosecution on any grounds should he enter the jurisdiction of the United States and, if so, whether there is any objection in communicating this to him.

For the Ambassador:


Edward L. Myers
Minister Counselor

RECEIVED

1961 MAR 13 PM 2 14

PASSPORT OFFICE
PT/FA

OFFICIAL USE ONLY

Commission Exhibit No. 948

ATTACHMENT B

QUESTION 4

Reference is made to the document attached hereto marked "Exhibit B." Is this the "look-out card" which was once in the file for Lee Harvey Oswald? If it is not, please describe what it is.

ANSWER - Exhibit B is not a "lookout card." Exhibit B is a copy of a so-called "REFUSAL" sheet (Form DS-833). A look-out card is a small IBM card kept in a special file maintained in the Passport Office. The lookout card system is described in detail in pages 3 and 4 of part 2 of the Department's Report on Lee Harvey Oswald.

A form DS-833 is prepared for insertion in the passport file when information is received which may affect the issuance of a passport. It is used primarily as a "flag" and does not necessarily mean the person concerned should be denied passport facilities. It does indicate, however, that a lookout card for the named individual should have been prepared.

SECRET ATTACHMENT

ATTACHMENT B

QUESTION 5

The attached document dated October 11, 1963 and labeled "Exhibit C" was apparently at one time accompanied by another one-page document containing "SECRET" information. Will you please furnish us a copy of this other document?

ANSWER - This document was at one time accompanied by a one-page message from the CIA. It is the same message that is referred to by the Commission in question No. 16 and copies have been previously furnished to the Commission. As Exhibit C indicates, the copy in Oswald's passport file was accidentally destroyed on November 23, 1963, while it was being thermofaxed. We are enclosing another copy of this message.

SECRET ATTACHMENT

Commission Exhibit No. 948

1 of 9 received. Series EX-1

SY (E)

MMNN

ICDPS
VSD 02130 ROUTINE 102012Z
FM: CIA
TO: DEPT OF STATE (SECURITY)
ZEM/ FEDERAL BUREAU OF INVESTIGATION
ZEM/ DEPT OF NAVY

1/4

BT
SECRET
CIA MSR 74673
SUBJECT: LEE HENRY OSWALD

10/11/63
cc: [unclear]
SCA
PPI
CMA
SCJ
RAC
SY

1. ON 1 OCTOBER 1963 A RELIABLE AND SENSITIVE SOURCE IN MEXICO REPORTED THAT AN AMERICAN MALE, WHO IDENTIFIED HIMSELF AS LEE OSWALD, CONTACTED THE SOVIET EMBASSY IN MEXICO CITY INQUIRING WHETHER THE EMBASSY HAD RECEIVED ANY NEWS CONCERNING A TELEGRAM WHICH HAD BEEN SENT TO WASHINGTON. THE AMERICAN WAS DESCRIBED AS APPROXIMATELY 35 YEARS OLD, WITH AN ATHLETIC BUILD, ABOUT SIX FEET TALL, WITH A RECEDING HAIRLINE.

2. IT IS BELIEVED THAT OSWALD MAY BE IDENTICAL TO LEE HENRY OSWALD, BORN ON 10 OCTOBER 1939 IN NEW ORLEANS, LOUISIANA, A FORMER U.S. MARINE WHO DEFECTED TO THE SOVIET UNION IN OCTOBER 1959 AND LATER MADE ARRANGEMENTS THROUGH THE UNITED STATES EMBASSY IN MOSCOW TO RETURN TO THE UNITED STATES WITH HIS RUSSIAN BORN WIFE, MARINA NIKOLAEVNA OSWALDOVA, AND THEIR CHILD.

3. THE INFORMATION IN PARAGRAPH ONE IS BEING DISSEMINATED TO YOUR REPRESENTATIVES IN MEXICO CITY. ANY FURTHER INFORMATION RECEIVED ON THIS SUBJECT WILL BE FURNISHED YOU. THIS INFORMATION IS BEING MADE AVAILABLE TO THE IMMIGRATION AND NATURALIZATION SERVICE.

G-1
BT
10/2025Z

SY [unclear]
10/11/63
DEPT OF STATE

MMNN

39-10148-1
OFFICE OF SECURITY
OCT 15 1963

XR
PI (Spore)

ATTACHMENT B

QUESTION 6

On July 10, 1961 while he was at the American Embassy in Moscow, Lee Harvey Oswald signed an Application for Renewal of Passport which contained a printed statement whereby, by crossing out either the word "have" or the words "have not", the applicant could indicate whether he had committed one or more of the disloyal or possibly expatriating acts listed. The printed statement also provided that if the applicant indicates that he committed one or more of these acts, a supplementary statement under oath explaining the circumstances is to be attached to the application. By crossing out the appropriate words, Lee Harvey Oswald stated under oath that he had committed one or more of the disloyal or possibly expatriating acts listed on the application.

Despite the foregoing, Oswald's existing passport was returned to him on July 10, 1961 and it was renewed for thirty (30) days on May 24, 1962. It is not clear from the Department's files whether any supplementary statement under oath setting forth the circumstances of Oswald's actions was attached to the Application for Renewal of Passport. Would you please explain this entire situation?

ANSWER - The file shows that Oswald executed on July 10, 1961, a supplemental statement (Questionnaire) which, along with the Renewal Application of July 10, 1961, was forwarded to the Department in Moscow despatch 29, July 11, 1961. The information furnished by Oswald in this Questionnaire does not contain any evidence that he, in fact, performed any act of expatriation. The file also shows (see Moscow despatch 29, July 11, 1961) that Oswald was questioned at length by an Embassy Consular Officer but no evidence was revealed of an expatriating act. This despatch also shows that Oswald's passport was returned to him for the purpose of allowing him to make an application for an exit visa for his wife immediately upon his return to Minsk. This passport was valid only until September 10, 1961.

On August 18, 1961, the Department sent an Operations Memorandum to the American Embassy at Moscow authorizing the renewal of Oswald's passport "if no adverse reason is known, to take place upon his presentation of evidence that he needs such renewal in connection with his efforts to return to the United States as indicated in the final sentence on page 2 of despatch 29."

- 2 -

The Embassy was further instructed that "Any renewal granted to Mr. Oswald should be limited to his passport needs and as stated in the second paragraph of the Department's A-173 of April 13, 1961, his passport should be made valid for direct return to the United States."

In the renewal application of May 24, 1962, Mr. Oswald signed a statement that he had not performed any of the acts of expatriation listed in the form. Consequently no supplemental statement or questionnaire was prepared at this time.

Commission Exhibit No. 948

ATTACHMENT B

QUESTION 7

We would appreciate any further thoughts you may have as to the legal authority for the exercise of discretion by the United States Department of State and the United States Department of Justice, and the propriety of its exercise, in waiving the sanctions of Section 243(g) of the Immigration and Nationality Act in issuing a visa to Mrs. Marina Oswald and admitting her into the United States in 1962.

ANSWER - Section 4 of the Department's Report on Lee Harvey Oswald concerned the issuance of a visa to Mrs. Oswald. Part 2 of that section, beginning on page 3 and running through page 10, sets forth our views on the issues involving Section 243(g).

This discussion may not have made it clear, however, that Section 243(g) vests exclusive authority in the Attorney General to impose the statutory sanction on any country, which, when requested, denies or unduly delays the acceptance of a deportable alien who is a national, citizen, subject or resident of that country. The Attorney General's decision to impose the sanction is discretionary to a degree since it is based on his judgment of what constitutes undue delay or a denial to accept a particular alien. There is no discretion, however, in the role performed by the Secretary of State. Upon receipt of notice from the Attorney General that the Section 243(g) sanction has been imposed on a particular country, the Secretary of State must take prompt action to suspend issuance of all immigrant visas in that country. He does this by an instruction to all consular officers performing their duties in the proscribed country. There is no uncertainty as to the authority to impose and terminate the sanction; it is vested solely in the Attorney General.

Just as the Department of State cannot impose the Section 243(g) sanction with respect to any country, the Department has no authority to waive the sanction in individual cases. The Immigration and Naturalization Service is satisfied, however, that the Attorney General has this authority and the Department of State has recommended its exercise in a number of cases, including that of Mrs. Oswald. The basis for the recommendation concerning Mrs. Oswald is set forth in full in the Department's Report on Lee Harvey Oswald.

ATTACHMENT B

QUESTION 8

A detailed description of the procedures in effect for exercising this discretion in your Department at the time it was exercised in the case of Mrs. Oswald would be helpful to the Commission. We are interested in the identity and function of each office or individual involved in these procedures and the names of the persons occupying the relevant positions or offices at the time the decision was made to grant a visa to Mrs. Oswald or to admit her into the United States.

ANSWER - The procedures in effect in 1962 when Mrs. Oswald was granted a waiver of the Section 243(g) sanction were prescribed by the Immigration and Naturalization Service. They are summarized in the State Department's visa instructions for the guidance of consular officers, Note 2 to 22 CFR 42.120, Vol. 9, Foreign Affairs Manual, a copy of which is enclosed. The Immigration and Naturalization Service's procedures are set forth in the Service's operations instructions, a copy of which is also enclosed.

The following is a chronology of the administrative actions which resulted in a waiver of the Section 243(g) sanctions for Mrs. Oswald:

(1) OMV-25 of August 28, 1961, from Embassy Moscow recommending a waiver of the Section 243(g) sanction. Drafter, J. A. McVicker, Foreign Affairs Officer.

(2) Letter of February 28, 1962, from the Service's District Director, J. W. Holland, at San Antonio, to Charles G. Sommer, Assistant Director of the Visa Office, attaching approved petition for forwarding to Moscow, and advising that a waiver of the Section 243(g) sanction was not authorized.

(3) OMV-61 of March 9, 1962, from Department to Embassy transmitting approved petition and informing Embassy that waiver of sanction not granted. This memorandum reminded the Embassy that Mrs. Oswald might proceed to some other country to file her visa application and thus avoid the sanction. Drafted by J. E. Crump, Consular Affairs Officer in the Visa Office, with copy to Miss Virginia James, International Relations Officer in the Office of Soviet Affairs.

(4) Memorandum of March 16, 1962, from the Office of Soviet Affairs -- Robert I. Owen, Officer in Charge of Bilateral Political Relations -- to John E. Crump, Consular Affairs Officer in the Visa Office (drafted by Miss James), recommending that the Immigration Service be asked to reconsider on an urgent basis its decision regarding the 243(g) waiver for Mrs. Oswald.

(5) Memorandum of March 23, 1962, from Robert F. Hale, Director of the Visa Office, to Michel Cieplinski, Acting Administrator of the Office of Security and Consular Affairs (drafted by Mr. Crump), transmitting proposed letter for Mr. Cieplinski's signature to Commissioner of Immigration and Naturalization regarding waiver of Section 243(g) sanction.

(6) Memorandum of March 23, 1962, from Office of Soviet Affairs (Mr. Robert Owen) to Office of Security and Consular Affairs (Mr. Cieplinski) (drafted by Miss James), stating that SOV had cleared attached letter to Commissioner of Immigration and Naturalization. Memorandum contained a quote from Embassy's despatch No. 29 of July 11, 1961, regarding Oswald's activities in the Soviet Union.

(7) Letter of March 27, 1962, from Mr. Cieplinski to Mr. Farrell, Commissioner of Immigration and Naturalization, requesting that Section 243(g) sanction be waived in Mrs. Oswald's case, and stating his belief (Cieplinski) that it is in best interest of United States to have Mr. Oswald depart from the Soviet Union as soon as possible. (Letter drafted by Mr. Crump.)

(8) Telegram of May 4, 1962, from Embassy requesting an early decision on reconsideration of 243(g) waiver for Marina Oswald.

(9) Letter of May 9, 1962, from Robert H. Robinson, Deputy Assistant Commissioner of INS, to Mr. Cieplinski which concludes: "In view of strong representations made in your letter of March 27, 1962, you are hereby advised that sanctions imposed pursuant to Section 243(g) of the Immigration and Nationality Act are hereby waived in behalf of Mrs. Oswald."

- 3 -

(10) Priority communication of May 8, 1962, drafted by Mr. Crump, informing Embassy that Section 243(g) sanction had been waived by Immigration Service for Marina Oswald.

PROCEDURAL NOTES

1. Reports on status of negotiations in deportation cases.

See 7 FAM 494.4.

2. Waivers of sanctions imposed under section 243(g) of the Act.

2.1 Sanctions under section 243(g) of the Act are currently in effect against persons residing in Czechoslovakia, Hungary, and the Union of Soviet Socialist Republics. The sanctions will be waived only in individual meritorious cases in behalf of a beneficiary of a petition filed by a reputable relative pursuant to section 101(a)(27)(A), or paragraphs (2), (3), or (4) of section 203(a) of the Act. The waiver may also be granted for an alien residing in Hungary on whose behalf a petition has been approved under section 203(a)(1) of the Act. The endorsement "Beneficiary (ies) granted waiver(s) of sanctions imposed under section 243(g) of the Act" will be inserted on approved petitions and forwarded to the respective consular posts. The grant of a waiver of sanctions to the beneficiary of an approved petition automatically includes the spouse and children of the beneficiary.

2.2 In cases where a petition was previously approved by the Service without a waiver, the consular officer should forward a request for a waiver, in duplicate, direct to the approving district office. Such request will be processed by the Service, the decision endorsed thereon, and a copy returned directly to the consular post. If in any case there is special urgency in obtaining a 243(g) waiver because of the date of expiration of the individual's exit permit, the request for waiver should clearly state the date of expiration of the exit permit and indicate the name of the petitioner in the United States who should be asked to defray the cost of telegraphic notification if that appears to be necessary.

(c) Blood tests. Except for persons residing in the USSR for whom blood tests are not available, in all other visa petition cases in which the basis for the requested classification is a claimed blood relationship, and primary or secondary evidence in support of a claimed relationship is not available, blood tests shall be required only when the results thereof would be helpful in resolving the relationship issue. (Revised)

Any expense incurred shall be borne by the petitioner. Arrangements may be made for blood tests to be conducted by the United States Public Health Service. If such arrangements cannot be made or are not satisfactory, blood tests may be conducted by doctors considered qualified in that field. Every precaution shall be taken to insure that there shall be no substitution of blood examinees. Arrangements shall be made to request the examination on a form request, bearing the photograph and personal data of the examinee. The form shall be sent directly to the selected medical examiner who should be requested to satisfy himself that the person examined is the person to whom the photograph and personal data relate. The examining physician shall be requested to complete the form and return it directly to the requesting Service office so that the examinee will have no opportunity to arrange for a substitution of compatible blood or to tamper with the report.

If a petitioner refuses to submit to a blood test and has submitted no documentary proof of blood relationship, the petition shall be denied on the ground that the petitioner has failed to establish identity.

When there is no evidence that the claimed relationship does not exist and the petitioner or beneficiary or both are abroad, the petition may be approved on the condition that satisfactory blood test reports are received by the American consul. A conditionally approved visa petition shall set forth the names and addresses of the persons abroad for whom satisfactory blood tests will be required and shall be accompanied by the reports of any blood tests made in the United States.

205.3 Waiver of sanctions imposed pursuant to section 243(g). Before adjudicating a petition for an eligible beneficiary residing in the USSR, Czechoslovakia or Hungary, against which sanctions have been imposed, the district director shall obtain a report of investigation regarding the petitioner which shall include any affiliations of a subversive nature disclosed by neighborhood investigation, local agency records and responses to Form G-135a. The sanctions imposed against the USSR do not apply to an eligible beneficiary residing in Estonia, Latvia, or Lithuania who is not a national, citizen, subject, or resident of the USSR. If no substantial derogatory security information is developed, the district director may waive the sanctions in an individual meritorious case for a beneficiary of a petition filed by a reputable relative to accord status under section 101(a)(27)(A) or section 203(a)(2), (3), or (4). The waiver may also be granted for a section 203(a)(1) beneficiary residing in Hungary. When the sanctions are waived, the beneficiary's file and the approved petition shall be endorsed "Beneficiary granted waiver of sanctions imposed under Section 243(g) of the Act," and the petition forwarded. If substantial adverse security information relating to the petitioner is developed, the visa petition shall be processed on its merits and certified to the Assistant Commissioner, Examinations, for determination whether the sanctions should be waived. The Assistant Commissioner shall endorse the petition to show whether the waiver is granted or denied, forward it, and notify the appropriate field office of the action taken.

When the issuance of an immigrant visa becomes imminent in connection with a petition previously approved by the Service without waiver, the consul will forward a request for waiver of the sanctions direct to the approving district office. Such request will be processed in the foregoing manner.

ATTACHMENT B

QUESTION 9

If any material changes in the foregoing procedures have been put into effect by the Department since August 1959, we would like to be so informed.

ANSWER - No material changes in the foregoing procedures have been put into effect by the Department since August 1959.

ATTACHMENT B

QUESTION 10

We would like the same information requested in questions 7 through 9 in connection with the determination that Mrs. Marina Oswald was entitled to a visa and admission into the United States under the provisions of Section 212(a)(28)(I)(i) of the Immigration and Nationality Act.

(A) We would appreciate any further thoughts you may have as to the legal authority for the exercise of discretion by the United States Department of State and the United States Department of Justice, and the propriety of its exercise, in waiving the sanctions of Section 212(a)(28)(I)(i) of the Immigration and Nationality Act in issuing a visa to Mrs. Marina Oswald and admitting her into the United States in 1962.

ANSWER - Our views on this question were set forth in part 4 of the Department Report, entitled "Lee Harvey Oswald -- Issuance of Visa to Wife, Mrs. Marina Nicholaevna Oswald" (pp. 1-3). Some further elaboration may, however, be helpful.

Mrs. Oswald was issued a visa after it was determined that her membership in the Soviet Trade Union for Medical Workers was involuntary and, therefore, fell within the exception of Section 212(a)(28)(I)(i). Once it was found that her membership was involuntary, the ineligibility disappeared by operation of the statute. Therefore, the issuance of a visa would not be considered to have involved a waiver requiring an exercise of discretion.

In an operations memorandum dated August 28, 1961, the American Embassy in Moscow reported the following information concerning Mrs. Oswald: "In connection with her employment and her professional training, she has been a member of the Soviet Trade Union for Medical Workers since 1957. Such membership is routinely considered to be involuntary under Section 212(a)(28)(I)(i) of the Act."

In this operations memorandum the Embassy recommended a favorable advisory opinion by the Department and approval of Mrs. Oswald's petition. The Embassy considered, therefore, that Mrs. Oswald's membership in the Soviet Trade Union for Medical Workers was necessary to obtain her education at the Pharmaceutical Technical Institute in Leningrad and also to obtain her employment at the Klinincheskaya Hospital in Minsk. Membership in a proscribed organization is considered involuntary if it was necessary to obtain employment, food rations, or other essentials of living. (Section 212(a)(28)(I)(i) of the Act) The Embassy's finding of involuntary membership

was concurred in by the Department; it was consistent with instructions issued to consular officers for their guidance in resolving such questions. (Note 3.3 to 22 CFR 42.91(a)(28), Confidential Appendix A, Vol. 9, FAN)

(B) A detailed description of the procedures in effect for making this determination in the Department at the time it was made would be helpful to the Commission. We are interested in the identity and function of each office or individual involved in the determination of these procedures and the names of the persons occupying the relevant positions or offices at the time the decision was made.

ANSWER - Upon receipt of the Embassy's operations memorandum dated August 28, 1961, which was drafted by J. A. McVickar, a Foreign Affairs Officer, the Visa Office processed the case in accordance with established procedures. It was referred first to the then Security and Accreditations Branch which had responsibility for conducting agency name checks and for processing requests for security advisory opinions. Miss Violet Smith, Deputy Chief of the Branch, was the action officer. A name check was initiated on September 12, 1961, with other agencies, namely, the Central Intelligence Agency, the Federal Bureau of Investigation, Biographic Register (BR), and the Department's Office of Security. In addition, a check with the files of the Passport Office was made. This procedure is required in the cases of visa applicants who hold passports issued by Communist-controlled countries. Results of the name check were as follows:

- CIA - On September 27, 1961, advised that there was no pertinent identifiable information.
- FBI - On September 27, 1961, referred to reports concerning the alien's husband, already furnished to the Department (on file with the Office of Security).
- O/SI - On September 13, 1961, furnished the Visa Office its file (No. 31-61981) concerning the alien's husband.
- BR - On September 18, 1961, reported "no record."
- PPS - Advised that the alien's husband had not expatriated himself.

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The Department advised the Embassy at Moscow by telegram (wiron No. 950, October 3, 1961) that available information concerning the applicant established her eligibility for the relief provided by Section 212(a)(28)(I)(i). Wiron 950 of October 3, 1961, was drafted by Miss Violet Smith, cleared by Miss Virginia James, and signed by Miss Smith in the name of Frank L. Auerbach, Chief of the Field Advisory Services Division of the Visa Office.

(C) If any material changes in the foregoing procedures have been put into effect by the Department since the determination was made, we would like to be so informed.

ANSWER - No material changes in the procedures described in the answer to question No. 10(B) have been put into effect.

Commission Exhibit No. 948

ATTACHMENT B

QUESTION 11

Similarly, we are interested in the same information as requested in questions 7 through 9 in connection with the determination that Lee Harvey Oswald had not expatriated himself so as to be disqualified for reentry into the United States as an American citizen in 1962.

(A) Any views you may have on the legal basis for the determination that Lee Harvey Oswald had not expatriated himself so as to be disqualified for reentry into the United States as an American citizen in 1962.

ANSWER - Our views on this question were set forth in part 3 of the Department's Report, entitled "Lee Harvey Oswald -- Expatriation." As stated in that analysis, there was no evidence then, nor is there any evidence now, that Oswald had performed any act which under our statutes resulted in expatriation, so as to be disqualified for reentry into the United States as an American citizen in 1962.

(B) A detailed description of the procedures in effect for making this determination in the Department at the time it was made. We are interested in the identity and function of each office or individual involved in these procedures and the names of the persons occupying the relevant positions or offices at the time the decision was made that Lee Harvey Oswald had not expatriated himself.

ANSWER - Under Section 104(a)(3) of the Immigration and Nationality Act of 1952, the Secretary of State is charged with the responsibility of determining the nationality of persons "not in the United States." Under the regulations of the Department of State as embodied in Section 773.6(b) of Volume 3 of the Foreign Affairs Manual, this authority is performed by the Foreign Operations Division of the Passport Office.

Operating under this authority, the case was reviewed in the Eastern Europe, South Asia and Far East Branch of the Foreign Division, Passport Office, by Miss Bernice Waterman, a GS-12 adjudicator of many years experience in

nationality matters. Miss Waterman, who has since retired, began her employment with the Passport Office in 1926. She drafted the Operations Memorandum of August 18, 1961, in which it was stated "there is available no information and/or evidence to show that Mr. Oswald has expatriated himself under the pertinent laws of the United States."

The file was subsequently reviewed and the communication was approved and cleared by the following persons as shown by their initials on the blue file copy of the communication:

- "HFE" - Mr. Henry F. Kupiec - GS-13 Attorney-Advisor, Chief of the Branch and Miss Waterman's immediate supervisor. He has been employed by the Passport Office since 1946.
- "RCB" - Mrs. Rosalyn C. Bielaski - GS-11 Correspondence Review Adjudicator who has been employed by the Passport Office since 1943.
- "CHS" - Mr. Carroll H. Seeley - GS-13 Attorney-Advisor. In 1961 Mr. Seeley was Chief of the Security Branch of the Legal Division. Mr. Seeley is now a GS-14 Attorney-Advisor and Assistant Chief of the Legal Division.

The file was finally reviewed and the communication signed by Mr. John T. White (now retired), GS-15 Attorney-Advisor, Chief of the Foreign Operations Division.

The procedure followed in this case is the usual procedure in cases involving nationality and security.

(C) If any material changes in the foregoing procedures have been put into effect by the Department since the determination was made, we would like to be so informed.

ANSWER - No material changes in the procedures described in the answer to question No. 11(B) have been put into effect.

ATTACHMENT B

QUESTION 12

If possible, the Commission would appreciate a fuller description of the procedures in effect in the Department of State for preparing, modifying, placing and withdrawing a "look-out" card in the passport file, and a description of the security procedures used to prevent access to this file by persons who might make unauthorized changes in it, from the time when Lee Harvey Oswald was first issued a passport in 1959 up to the date of this letter. If any material changes in such procedures have been effected during that time, we would like to be so informed. We would like to know the names of all persons who were authorized to modify or remove a look-out card of the kind or kinds which might reasonably have been prepared for Lee Harvey Oswald or to prepare or prevent its preparation in the first instance, and a statement of the grounds upon which they were authorized to modify or remove such a card or to prepare or prevent its preparation. We are interested in the names of all persons, if they can be identified, who did in fact prepare, modify or remove any look-out card for Lee Harvey Oswald which did exist at any time, or failed to comply with standard procedures requiring the preparation of such a card.

(A) Description of the procedures in effect in the Passport Office for preparing, modifying, placing or withdrawing lookout cards.

ANSWER - Attached is a copy of Passport Office Instruction 2300.3, dated February 20, 1964 (TAB A), which sets forth the present procedures for the operation and maintenance of the Passport Office Lookout File. These procedures resulted from the experience gained in 1961-62 when the Lookout File was converted from a "3 x 5" typed card operation to the present printed and punched IBM card operation.

Prior to the promulgation of Instruction 2300.3, most actions to prepare or to remove a lookout card were initiated by adjudicator/officers in the Passport Office, based upon information from the passport folder, a passport application and/or correspondence. Until 1961 the adjudicator prepared a "Refusal" sheet (Form DS-833) and forwarded it to the Clearance Section for preparation of the card and filing it in the Lookout File or for removal

Commission Exhibit No. 948

of the card from the Lookout File. In 1961, during the period of conversion, some adjudicators/officers began making both "Refusal" sheets and lookout cards. Since February 1964 all adjudicators/officers make both "Refusal" sheets and lookout cards.

In addition lookout cards were prepared, and continue to be prepared, in the Clearance Section, upon information or request from the Finance Office of the Department of State, the Federal Bureau of Investigation, court orders, and requests by other agencies.

(B) Description of the security procedures used to prevent access to the Lookout File by persons who might make unauthorized changes from the time Lee Harvey Oswald was first issued a passport in 1959 to the date of this letter.

ANSWER - Attached is a copy of Passport Office General Management Instruction No. 1714.1 dated August 7, 1961 (TAB B), which sets forth the policies and procedures governing access to the main files and records of the Passport Office.

Set forth below is a short chronology giving the location of the Passport Office during the period in question and the procedures in effect to safeguard its records.

The Passport Office was physically located in the Matomic Building, 1717 H Street, N.W., from September 1955 to August 1960. While in the Matomic Building the entire Passport Office space was protected after hours by an anti-intrusion system. The building was also under 24-hour guard control.

The move from the Matomic Building to the State Department Building was made on Saturday and Sunday, August 20-21, 1960, under security guard protection and in accordance with procedures approved by the Department's Office of Security.

Since its installation in the State Department Building, the Lookout File has been located in a room to which access is limited during working hours. After

working hours the room is secured by a combination lock and is guarded by the ADT Protection Service (American District Telegraph Company) and by the Department's guard force.

The security systems evolved for the protection of this space in both buildings were examined and approved by the Department's Office of Security.

(C) List any material changes in such procedures which have been effected during that time.

ANSWER - Concerning changes in physical security procedures, see answer immediately above, which covers changes made during this period, as the result of physical moves by the Passport Office.

Concerning substantive changes, lookout cards are now kept for an additional category of persons. In January 1964, the Department of State made arrangements with the Department of Defense to receive from that Department, on a continuing basis, identifying information, particularly names and dates of birth, of actual and potential defectors in the military service, including those who may have redefected, to Communist countries or Communist-dominated areas. On the basis of the information supplied by the Department of Defense, the Passport Office was instructed on March 14, 1964, that lookout cards should be kept for this category of persons. A copy of the letter to the Department of Defense requesting this information and copies of the instructions putting this procedure into effect are attached (TAB C).

(D) Names of all persons who were authorized to modify or remove a lookout card of the kind or kinds which might reasonably have been prepared for Lee Harvey Oswald, or to prepare or prevent its preparation in the first instance and a statement of the grounds upon which they were authorized to prepare or prevent its preparation.

ANSWER - In expatriation cases, lookout cards would be prepared (on evidence that the individual had renounced or intended to renounce his citizenship), modified or removed after a "refusal" sheet is made. Such "refusal" sheets for loss of nationality cases from the U.S.S.R. area would be authorized by the Chief of the Foreign

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C

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Operations Division, the Branch Chief (and Assistant, if any) for the Eastern Europe, Southern Asia and Far Eastern Branch, or the adjudicator assigned to the case. The following is a list of the people who filled these positions:

- Bernice L. Waterman - Adjudicator for Oswald case throughout. Branch Chief January 1, 1959 to August 20, 1960; Assistant Branch Chief August 21, 1960 to February 28, 1962. Retired.
- Henry F. Kupiec - Branch Chief March 23, 1961 to present.
- John T. White - Chief of Foreign Operations Division.

After a "refusal" sheet is prepared, Miss Manny W. Berry (or a replacement) of the Clearance Section prepares or modifies the lookout card. After a lookout card is prepared or modified, it would be placed in the file by a clearance clerk in the Clearance Section. After its removal is authorized by the originating office, it would be removed by either the Supervisor of the Clearance Section (A. W. Maxwell) or the Assistant Supervisor (Vince Johnson, Jr.).

Mr. White, Mr. Kupiec, or Miss Waterman would be considered to be the people concerned with the expatriation aspect of the Oswald case in the first instance and would be authorized to prepare or not prepare the "refusal" sheet in the first instance.

When a repatriation loan is made, the Office of Finance of the Department of State (Miss Leola B. Burkhead or Mrs. Muriel B. Owens) would, normally, forward a copy of the repatriation loan bill to the Clearance Section. This serves as authorization to prepare a lookout card. The lookout card would be prepared (or removed upon notification from the Office of Finance that the loan is repaid) and filed in the same manner as mentioned above.

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A "refusal" sheet (authorizing the modification, preparation, or removal of a lookout card) would be prepared or not prepared and lookout cards would be modified, removed, prepared, or not prepared at the request of the Director of the Passport Office, the Deputy Director of the Passport Office, or any superior of the Director of the Passport Office in the Department's chain of command.

The first report from the American Embassy, Moscow, concerned Oswald's intention to renounce his citizenship, which if carried out would have resulted in his expatriation. In the light of this information it was in accordance with standing procedures to prepare a card for insertion in the lookout file. This card would then serve as a "flag" in the event Oswald made an application for passport facilities. (A United States passport can only be issued to a United States national.)

Once the determination was made as to his citizenship status, the card would remain in the file, if Oswald expatriated (renounced citizenship) himself, or it would be removed if Oswald did not expatriate himself.

(E) Names of all persons, if they can be identified, who did, in fact, prepare, modify, or remove any lookout card for Lee Harvey Oswald, which did exist at any time.

ANSWER - Miss Bernice Waterman prepared a "refusal" sheet and an Operations Memorandum which show that she authorized the preparation of a lookout card; however, investigations, to date, fail to reveal any other indication or evidence that a lookout card was ever prepared, modified, or removed.

(F) The names of all persons who failed to comply with standard procedures requiring the preparation of a lookout card for Lee Harvey Oswald.

ANSWER - From the file and from the procedures then in effect, it appears that someone in the Files or Clearance Section missed the "Refusal" prepared on March 25, 1960, and failed to follow standard operating procedures to

prepare a lookout card or that the "Refusal," after it left the Foreign Operations Division, was misplaced or misguided in transit and never reached the Clearance Section. The individuals who overlooked the "Refusal" or who did not properly handle it or deliver it to the Clearance Section cannot be identified from any material or information available as of this date. (See also question 13 with respect to preparation of a lookout card on Oswald as a result of his repatriation loan.)

PASSPORT OFFICE

2300.3
PT/A:DLT:srj
February 20, 1964

(A)

INSTRUCTION 2300.3

To : All Employees

From: James E. Corcoran, Chief, Administrative Division

Subj: Lookout File

1. Purpose. This Instruction establishes responsibilities and prescribes procedures for the operation and maintenance of the Lookout File.

2. Background. Cards constituting the nucleus of the Lookout File were originally integrated alphabetically in the Master Index File, which contained more than twenty million cards dating from 1906. The Lookout File was established in 1956 as an independent File to aid the processing of passport applications. The File was converted in 1961 from a 3"x5" typewritten card file to a file of printed and punched cards.

3. Role of the File. The Lookout File serves two purposes. Its principal role is to identify those applications which require other than routine adjudication in determining an applicant's eligibility for passport services. The second role of the File is to identify certain incoming applications to ensure expeditious processing or special handling.

4. Categories of Lookout Cards. The Lookout File contains three categories of cards:

a. Permanent Lookout Cards. Cards in this category (buff in color) stay in the File until subsequent action reverses the original reason for its inclusion.

b. Temporary Lookout Cards. Cards in this category (pink in color) include typed cards filed pending preparation of permanent ones and cards which have an established expiration date.

c. Flagging ("Catch") Card. These cards (green in color) are placed in the File to identify incoming applications which are to be given expeditious handling. Flagging cards are removed from the File three weeks after the date of their inclusion unless the originator indicates that the card should remain in the File longer. A realistic termination date shall be placed on those flagging cards which are to be held longer than three weeks.

5. Additions to File. (See Attachment No. 1 for instructions)

a. By Adjudicator. The adjudicator/officer determining that a Lookout Card is to be originated shall be responsible for having essential cards prepared and forwarded to PT/RCL.

b. By Clearance Section. The Clearance Section shall be responsible for preparing the necessary cards when requests for additions to the File are received from authorized sources outside the Passport Office, i. e., FBI, OF, etc.

6. Maintaining the File.

a. Preparation of Cards. The Passport Office does not have the means to mechanically produce printed and punched cards on a daily basis for additions to the File. Therefore, temporary interim cards (pink color) shall be prepared in duplicate for those cards which are to become a permanent addition to the File. The original card is filed immediately in the Lookout File. The duplicate card is used to prepare the permanent card. Only one card is required for the other categories of Lookout Card, i. e., temporary cards which have an established expiration date, and flagging cards. Printed and punched cards are not prepared for these categories.

b. Flexewriter Operation. Detailed instructions on the flexewriter operation are contained in T&E C, Attachment 3, of the Management Survey of the Passport Office Lookout File, October 16, 1961.

c. IBM 047 Operation. The IBM 047 is used to convert the flexewriter tapes to permanent printed and punched cards.

d. Filing Permanent Cards. The permanent card shall be verified with the interim card before it is filed. If there are no discrepancies, the permanent card shall be filed and the interim card removed. If a discrepancy does exist, the interim card shall remain in the File, the error noted on the permanent card and referred to the Section Chief, (PT/RCL), for correction.

e. Removing Cards From the File.

(1) The Section Chief, PT/RCL, is authorized to remove the following categories of Lookout Cards from the File:

(a) Those cards that have an established expiration date (after expiration).

(b) Those cards relating to individuals who have passed their 99th birthday.

(2) In all other instances authorization to remove a Lookout Card must be received from those sources authorized to create Lookout Cards. When a Lookout Card is to be removed from the File, a notation to disregard the Lookout Card shall be made on the pink "Refusal" sheet

or on the face of the application. The individual requesting this action shall sign and date this notation. This file with a Form DS-10, Reference Slip, requesting the removal of the Lookout Card shall be forwarded to the Chief, Clearance Section, PT/RCL, Room 1811. The Chief, PT/RCL, shall be responsible for removing the card and noting its removal near the "disregard" notation. The file shall then be sent to the Files Section.

f. Disposal of Lookout Cards. Lookout Cards removed from the File for disposal shall be destroyed in accordance with existing security regulations.

7. Operating the Files.

a. Security Requirements. Access to the Lookout File shall be limited in accordance with Instruction 1714.1, August 7, 1951, Access to Passport Office Files and Records.

b. The Clearance Function. (See Attachment 2 for clearance procedures).

(1) Definition. The clearance check is a comparison of the name or names as listed on a document/request with the cards of the Lookout File to determine the existence or non-existence of a card with the same name. Then when a card exists, determine by comparison of birth date if the card may pertain to the individual listed in the document/request.

(2) Coverage. With respect to the passport function, the clearance check shall be performed on the following:

(a) All domestic applications for passport facilities.

(b) Applications/documents referred by Foreign Service Posts for issuance of passport or for decision.

(c) Applications/documents executed at Foreign Service Posts by first-time applicants.

(d) All applications on which passports are issued by the Governors of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

(3) Responsibilities.

(a) The Clearance Section is responsible for performing the clearance check and for indicating on the document/request, the existence or non-existence of a Lookout Card. (See Attachment 2, paragraph 3).

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(b) Adjudicators in the Central Office shall be responsible for determining that the clearance check has been performed, and when a Lookout Card exists, the effect it may have on the processing of the application. (Instruction 251C.6).

(c) PT/TX shall be responsible similarly for clearance requests received by teletype.

8. Effective Date. This Instruction is effective immediately.

Session Exhibit No. 948

PREPARATION OF LOOKOUT CARDS

1. Use/Distribution of Card Form. When a Lookout Card is to become a permanent addition to the File, pink colored IB-1 cards shall be typed in duplicate (original and one carbon). Both cards shall be enveloped and routed to the Clearance Section (PT/ECL), Room 1211.

Only one card is required for temporary cards having an established expiration date, and for flagging cards.

2. Format/Entries.

Name	Date of Birth	Birthplace	Lookout Date	Code
------	---------------	------------	--------------	------

Expiration Date and/or any additional data pertinent to location of case file/source document.

(TYPE ON REVERSE SIDE OF PRINTED CARD)

NOTE: Cards should be prepared so that the corner cut is at the bottom of the card.

a. Name: The surname shall be recorded first, e. g., Smith, Howard Anthony Jr.

b. Date of Birth: Usually the date of birth will consist of the month, day of month, and year of birth, e. g., September 6, 1915. Standard abbreviations may be used for the month of birth.

c. Birthplace: If born in the United States, record both City and State, if both are known, e. g., South Bend, Ind. Standard abbreviations may be used for States, except Alaska, Hawaii, Iowa, Maine, Ohio, and Utah. NYC may be used for New York City, New York.

If born abroad, record name of country in full.

NOTE: The date of birth and place of birth are considered essential for identifying an individual and are required information, together with the name and lookout code. The only exceptions approved are: (1) If the reason code is K or O, the card may be filed if either the date of birth or place of birth are included. (2) If reason code is W, the card may be filed if neither date or place of birth is known. (3) In custody cases, cards limited to one month's validity may be prepared if neither date nor place of birth is known.

Attachment 1
p.2

d. Lookout Data Codes. Record the series of 5 codes to show month (1st code) and year (2nd and 3rd codes) of preparation of Lookout Card; codes for reason for lookout Card (4th code); and code for Source of card (5th code).

Adjudicators/officers directing the creation of the card shall provide the Reason and Source codes using the LOOKOUT FILE CODE LIST issued for Limited Official Use [] and as an attachment to Notice 2300 dated February 19, 1961.

Typist will provide codes for date of preparation. Digits 1-9, as applicable, will be used for months January - September. Capital letters O, N, and L will be used for October, November, and December.

Example: 2631F indicates a Lookout Card prepared during February 1963 (263), the individual lost U. S. citizenship (L), the source of the card is the Foreign Division (F).

e. Expiration Date. When a card has limited lookout applicability, the card shall specify the date of expiration, i. e., Expires: (Date) . Cards relating to custody cases will be limited in accordance with Instruction 3330.1.

f. Locator Information. Any information essential to the location of the case or source document shall be clearly indicated on the card.

CLEARANCE PROCEDURES

A. PASSPORT FUNCTION

1. Documents Used in Process

The application for passport facilities itself is used in performing the clearance check except when the application is received and the passport processed at a Passport Agency or at Honolulu. The clearance check is made using teletype lists (TWX messages) received from the Agencies and Honolulu.

2. Priority of Work

a. Applications marked URGENT or otherwise tagged for expeditious handling and URGENT/PRIORITY TWX messages are given immediate attention when received in the Lookout File Section. See Instruction 1722.2 for instructions pertaining to TWX messages.

b. Routine domestic work is processed over the Lookout File on a continuing basis with applications/messages delivered for clearance and completed work collected at frequent intervals. The Supervisor of the Clearance Section is responsible with the guidance of the Chief, Records and Communications Branch, for determining the day-to-day order of processing consistent with the needs of the Central Office and Passport Agencies. Such factors as workflow, staffing, time zones in which Agencies are located, etc., are taken into consideration.

c. Routine foreign applications/documents and applications from the Governors are processed across the File on a day-to-day basis as the domestic workload permits.

3. Work Assignments. Applications to be cleared are sorted according to the first letter of the surname and distributed to the several segments of the Lookout File. Clearance clerks alphabetize the applications as necessary.

TWX messages contain the names of as many as thirty applicants, alphabetized according to surname. When a TWX message relates to more than one segment of the File, workflow is considered in making the initial distribution. When completed in one segment the clearance clerk is responsible for handing the message to another segment of the File as necessary to complete clearance of the names listed.

4. The Clearance Process.

The initial step in performing the clearance check is identical in all cases, i. e., the name check. Other steps in the process depend on whether or not a Lookout Card or a flagging card exists.

a. Name Check. The name of the passport applicant and any family members to be included in the passport are checked against the Lookout Cards. Aliases, "known as" names, and different names or spellings given in the document are checked. Names shall be checked as given on the document except as follows:

(1) Names with prefixes whether written as a separate word or joined to the name will be checked under the name and under the prefix.

(2) Chinese names will be checked under the family name if discernible from the father's or the husband's name. If the family name is not discernible, it will be checked as an English name as listed on the document and, in addition, the surname checked will be underlined in red.

(3) Spanish names will be checked under the family name if discernible from the father's or the husband's name. If the family name is not discernible, it will be checked as an English name listed on the document, and, in addition, the surname checked will be underlined in red.

b. When a Lookout Card is Non-Existent. When no Lookout Card exists, the clearance clerk indicates clearance of the application by writing "C" and his initials in the left margin opposite the name. In the case of successive name checks on the same document, a "C" is written before or above the names cleared and in close proximity so as to be unmistakably applicable thereto.

c. When a Lookout Card Exists. When a Lookout Card exists in the name being checked, a comparison is made of birth data. When the name and birth data are the same, the clearance clerk writes "Not C" and his initials in the left margin opposite the name. In addition the lookout codes appearing on the right corner of the card are noted in the left margin, e. g., JLSW. (On T-X messages, because of space limitations in the left margin, the notations are made to the right of the name when a Lookout Card exists.) In cases where the source code is "I" the auxiliary file reference is also noted in the margin, giving file name or number and purport of reason in brief. In addition, the clearance clerk attaches (using a paper clip) a red 3"x5" "flag" to the top of the application as an indicator to the adjudicator.

d. When there is a Similarity. When, in the judgment of the clearance clerk, similarity between the name and birth data in the document and that of a Lookout Card warrants a notice to the adjudicator, a notation "Not C", initials, T-X (Name & Data), etc., is made, as in paragraph c above.

e. When a Flagging Card (Green) Exists. When there is a flagging card relating to the document, the clearance check is noted appropriately as in subparagraph b, c, or d; the green card is attached

to the top of the application by paper clip; and the case routed to the individual originating the flagging card. (This is the only type of card which is removed from the Lookout File and attached to a document during the clearance process).

5. Completed Work. After the clearance check is made, the clearance clerk will distribute the work as follows:

- a. Domestic applications - outgoing sorting table.
- b. TIX messages - outgoing TIX box.
- c. Foreign applications/documents - foreign carding box.
- d. Applications from Governors (see Section 7, b (2)(1)) - foreign carding box

B. GOVERNMENT AGENCY LIAISON MATERIAL.

Miscellaneous documents submitted by various Government Agencies are cleared over the Lookout File using the process described in Section 4 (The Clearance Process). However, "ND" instead of "C" is used when there is no Lookout Card. Completed work is placed in the box labeled "OUTGOING LIAISON" located on the outgoing sorting table.

PASSPORT OFFICE

GENMGINST 1714.1
FT/A:GJG:sac
August 7, 1961

GENERAL MANAGEMENT INSTRUCTION 1714.1

To: Distribution List 1

From: Frances G. Knight, Director

Subj: Access to Passport Office Files and Records

1. Purpose. The purpose of this Instruction is to prescribe the policies and procedures governing access to the main files and records of the Passport Office.
2. Background. The fundamental drawback to a practice of liberal access is that it is difficult if not impossible to preserve the integrity of vital files and records. In essence, personnel charged with the responsibility for files and records maintenance are held accountable for conditions over which they do not have complete control.

Another drawback is that searches performed by personnel who are not regularly assigned to these files frequently are nonproductive and time consuming and invariably disturb the normal searching process.

For these reasons, action is being taken to restrict direct access to the following files and records of the Passport Office:

- a. Current Applications File
- b. Box (Applications) Files
- c. Master Index File
- d. Lockout Index File
- e. Passport Book File
- f. Subjective (Number) File
- g. Classified File

3. Policies.

a. Direct Access to files by Offices and Agencies Outside the Passport Office. Direct access to the aforementioned files will not be extended to offices and agencies outside the Passport Office unless authorized in accordance with 5. a. below.

b. Direct Access to Files by Offices Within the Passport Office. To the maximum extent possible, direct access to the files and records of the Passport Office will be limited to personnel responsible for their custody and maintenance. For security

considerations, direct

considerations, direct access to the Classified Files will be limited solely to personnel responsible for their custody and maintenance.

4. Automatic Direct Access. In consonance with the stated policy, only a limited number of personnel in the Passport Office will be permitted direct access to these files and records. A list is presented below of positions, by functional areas, to which direct access to all but the Classified Files is extended:

<u>Functional Area</u>	<u>Positions</u>	
	<u>Principal</u>	<u>Alternate</u>
PT	Staff Aide	(1) Secretary to the Director (2) Secretary to the Deputy Director
PT/B	Staff Aide	(1) Secretarial Assistant
PT/D	Searching Personnel (PT/DT)	
PT/F	Mail and File Clerk, Office of the Chief	(1) Secretary to the Chief (2) Secretary to the Assistant Chief
PT/L	Administrative Assistant, PT/L and Senior Clerk, PT/LAD	(1) Liaison Assistant, PT/LL (2) Research Clerk, PT/LS
PT/A	Regularly assigned files personnel in PT/RC	

Principals and Alternates will observe prescribed policies and procedures governing the use, protection and control of the files and records of the Passport Office.

5. Temporary Direct Access.

a. Offices and Agencies Outside the Passport Office.
In extremely rare instances, special authorization will be granted to representatives of offices and agencies outside the Passport Office to use and/or search these files and records (excluding the Classified Files). Written requests for authorization will be directed to the Chief, Administrative Division.

When an authorization is made, it will be in writing and signed by either the Director, Deputy Director, or Chief Counsel. The authorizing document, identifying the bearer and specifying the validity period, will serve as the credentials permitting direct access.

b. Offices Within the Passport Office. In isolated instances (e.g., special studies), it may be desirable that other personnel within the Passport Office be permitted temporary direct access to these files. To obtain access, the Division Chief for whom the project is to be conducted will request authorization by addressing a memorandum to the Chief, Administrative Division. When an authorization is made, it will be in writing and signed by either the Director, Deputy Director, or Chief Counsel.

6. Directive Canceled. This Instruction cancels P-71 of March 2, 1961.

7. Effective Date. The provisions of this Instruction are effective immediately.

January 10, 1954

Dear Mr. Bertino:

I refer to our recent telephone conversations regarding military personnel who may have defected to Communist countries or areas.

In order to keep up to date the lost and records of the Passport Office of the Bureau of Security and Consular Affairs, I would appreciate if you will furnish me with identifying information, particularly names and dates of birth, of military personnel who have defected, including those who may have defected, to Communist countries or Communist dominated areas.

I very much appreciate your cooperation in this matter.

Sincerely yours,

Abba P. Schwartz

Mr. Frank A. Bertino,
Asst. General Consul (Temporary),
Office of Secretary of Defense,
Room 12, 963 Pentagon,
Washington, D. C. 20301.