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State LEE HARVEY OSWALD

Commission No. 2

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REPORT OF THE

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DEPARTMENT OF STATE

LEE HARVEY OSWALD

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* Page 3 of this document contains classified information.

LEE HARVEY OSWALD - CHRONOLOGY OF CONTACTS
WITH THE DEPARTMENT OF STATE

The first contact of the Department of State with Lee Harvey Oswald came in September 1959, just before Oswald's release from active service in the Marine Corps when he applied for a passport in Los Angeles. From that time until his death the Department of State records show that he came in contact with the Department a number of times both in the United States and in Moscow. Oswald applied for passports in September 1959 and June 1963 and for a renewal in July 1961; he made an attempt to renounce his citizenship in October 1959; he applied for a non-quota immigrant visa for his wife, a Soviet citizen, in July and August 1961; and he applied for a loan to pay for passage to the United States for himself, his wife, and their infant daughter in the spring of 1962. Separate memoranda attached hereto describe the laws, regulations, policies and procedures relevant to each of these matters. This paper presents a chronological narrative of Oswald's contacts with the Department.

Passport Application in Los Angeles - September 1959

Oswald appeared at the Los Angeles passport agency of the Department of State on September 4, 1959, and there executed a passport application. In support of that application he furnished a paper from the Separation Section, U.S. Marine Corps, El Toro, Santa Ana, California,

certifying that he was scheduled to be released from active duty with the Marine Corps on September 11, 1959. Oswald's passport application stated that the purpose of his trip was to attend the College of Albert Schweitzer in Switzerland, the University of Turku in Finland, and to visit other countries as a tourist. He listed the countries to be visited as Cuba, Dominican Republic, England, France, Switzerland and Russia. He stated that his point of departure would be New Orleans and his approximate departure would be September 21, 1959. The passport file shows that a Marine Corps Reserve inactive ID card and a birth certificate were submitted as part of the passport application. The passport was issued routinely on September 19, 1959.

First Appearance at Moscow Embassy - October 1959

Six weeks later on October 31, 1959, Oswald appeared at the United States Embassy in Moscow and stated to the Consular Officer that he wished to renounce his American citizenship and that he had applied to become a citizen of the Soviet Union. He presented his passport to the interviewing officer and submitted the following undated hand-written statements:

I Lee Harvey Oswald do hereby request that my present citizenship in the United States of America, be revoked.

I have entered the Soviet Union for the express purpose of applying for citizenship in the Soviet Union, through the means of naturalization.

My request for citizenship is now pending before the Supreme Soviet of the U.S.S.R.

I take these steps for political reasons. My request for the revoking of my American citizenship is made only after the longest and most serious considerations.

I affirm that my allegiance is to the Union of Soviet Socialist Republics.

Lee H. Oswald

The Consular Officer talked with Oswald about the seriousness of the step he was proposing to take. Oswald gave as the principal reasons for his decision that "I am a Marxist", but declined any further statement of his motives. He also stated that he had been a radar operator in the Marines and had offered to make the knowledge he had learned in that job available to Soviet officials when he became a Soviet citizen.

The Consular Officer told Oswald that the Consulate was then closed, but that he could come back to execute the appropriate documents at any time during normal business hours. It is clear from the report of the Consular officer to the Department that in view of the seriousness of the step, the fact that Oswald was only 20 years old at the time, and the fact that in another recent case the "defector" had changed his mind after receiving a less than warm welcome from the Soviets, the attitude of the Embassy in Moscow was to attempt to delay Oswald's formal act of renunciation. This was in line also with the general policy of the Department to discourage expatriation of American citizens.

Oswald Settles in Russia - Fall, Winter 1959

Oswald never returned to execute the formal papers. Instead, following the interview of October 31, Oswald directed another letter from Moscow to the Embassy dated November 3, 1959, as follows:

I, Lee Harvey Oswald, do hereby request that my present United States citizenship be revoked.

I appeared in person, at the consulate office of the United States Embassy, Moscow, on Oct. 31st, for the purpose of signing the formal papers to this effect. This legal right I was refused at that time.

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I wish to protest against this action, and against the conduct of the official of the United States consular service who acted on behalf of the United States government.

My application, requesting that I be considered for citizenship in the Soviet Union is now pending before the Supreme Soviet of the U.S.S.R. In the event of acceptance, I will request my government to lodge a formal protest regarding this incident.

Leo Harvey Oswald

It was also noted at the time both by the Embassy officers familiar with the case and by American journalists who had interviewed Oswald that while Oswald appeared angry at the Embassy for not accepting his application at once, he failed to return to the Embassy, as he knew he could, to execute the papers. The reports suggest that Oswald might have deliberately left himself an opening by not executing these papers, perhaps waiting to see how his application for Soviet citizenship would fare.

In the last days of November 1957, Oswald apparently left his hotel in Moscow without informing either the Embassy or American correspondents who had been in touch with him where he was headed. The Embassy reported this fact to Washington and undertook to inform the Department of any further developments. Nothing further was heard from Oswald for several months. Accordingly, the Department's Passport Office advised Embassy Moscow in March of 1960 that no further action was then required in the case. A final determination was made at this time that Oswald either had or had not expatriated himself.

During this time Mrs. Marguerite Oswald, the mother of Lee Harvey Oswald, made several inquiries of the Department as to her son's whereabouts, including an interview in January 1961. Apparently she also had no knowledge of where he was. She did report, however, that she had a short note from Oswald stating that he could not cash a check for \$20.00 which she had sent and asking that she send cash instead as he was in need of money. She said that she thereupon sent Oswald a letter enclosing a \$20.00 bill but that the letter had been returned to her. She also stated that she had sent him a \$25.00 money order. Mrs. Oswald's contacts with the Department inquiring about her son's whereabouts continued until February 1961. In July 1960, Congressman Jim Wright of Texas received a letter from Mrs. Oswald and forwarded it to the Department. The Department's correspondence with Mrs. Oswald and copies of four letters exchanged with her in July were made available to Congressman Wright.

Oswald begins inquiries concerning return to the United States - February-August 1961

According to the Embassy records, the Department next heard from Lee Oswald in February 1961, when it received a letter postmarked Kinshasa February 5. The letter read as follows:

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.

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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,
Lee Harvey Oswald

Apparently, the letter of December 1960 to which he refers was never received.

The Embassy replied to Oswald's letter of February suggesting that he come personally to the Embassy for an interview on which to base a decision concerning the status of his American citizenship. In reply to the Embassy's letter, Oswald wrote on March 22, 1961 that he found it inconvenient to come to Moscow for the sole purpose of an interview since he would have to apply for permission from the authorities in Minsk in order to travel to Moscow for such an interview.

On March 24, 1961, the Embassy wrote again to Oswald concerning an interview. The Embassy's letter stated in pertinent parts

The Soviet Ministry of Foreign Affairs has always assured the Embassy that it interposes no objections or obstacles to

visits to the Embassy on the part of American citizens in the Soviet Union. As stated in our previous letter a final determination of your present American citizenship status can only be made on the basis of a personal interview. Certain statements of legal force relating to your citizenship status should be made under oath in the presence of a consular officer . . .

You may wish to present this letter to the authorities in Minsk in connection with your application for permission to travel to Moscow.

On May 25, 1961, the Embassy in Moscow received another letter from Oswald:

Dear Sirs:

In regards to your letter of March 24. I understand the reasons for the necessity of a personal interview at the Embassy. However, I wish to make it clear that I am asking not only for the right to return to the United States, but also for full guarantees that I shall not, under any circumstances, be persecuted for any act pertaining to this case. I made that clear from my first letter, although nothing has been said, even vaguely, concerning this in my correspondence with the Embassy. Unless you honestly think that this condition can be met, I see no reason for a continuance of our correspondence. Instead, I shall endeavour to use my relatives in the United States, to see about getting something done in Washington.

As for coming to Moscow, this would have to be on my own initiative and I do not care to take the risk of getting into a awkward situation unless I think it worthwhile. Also, since my last letter I have gotten married.

My wife is Russian, born in Leningrad, she has no parents living, and is quite willing to leave the Soviet Union with me and live in the United States.

I would not leave here without my wife so arrangements would have to be made for her to leave at the same time as I do.

The marriage stamp was placed on my present passport, after some trouble with the authorities, so my status as far as the USSR is concerned, is the same as before, that is, "without citizenship".

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So with this extra complication I suggest you do some checking up before advising me further.

I believe I have spoken frankly in this letter, I hope you do the same in your next letter.

Sincerely yours,
Lee Harvey Oswald

On July 8, 1961, Oswald appeared at the Embassy on his own initiative. He executed under oath an application for the renewal of a passport, and in connection with that application he executed a questionnaire relating to possible expatriating acts. In that questionnaire he stated inter alia that he was not considered a national of the U.S.S.R. by the U.S.S.R.; that he had never sought or obtained registration as a national of a foreign country, and that he had never taken an oath or affirmation or other form of declaration of allegiance to a foreign state. In support of these statements Oswald presented his Soviet document of residence on which, he stated, his nationality was listed as American. The reporting officer at the Embassy noted that the document was a "document of residence for persons without citizenship".

At the July 8 interview, according to the reporting despatch, Oswald stated that despite the wording of the statement which he handed to the Embassy on October 31, 1959, he never in fact actually applied for Soviet citizenship. His application at that time was for permission to remain in the Soviet Union and for a temporary extension of his

tourist visa pending outcome of his request. This application, according to Oswald, contained no reference to Soviet citizenship, nor did he subsequently make any application for Soviet citizenship.

The reporting officer noted that "20 months of the realities of life in the Soviet Union have clearly had a maturing effect on Oswald. He stated frankly that he learned a hard lesson the hard way and that he had been completely relieved about his illusions about the Soviet Union. . . . Much of the arrogance and bravado which characterized him on his first visit to the Embassy appears to have left him."

Oswald stated that he intended to institute an application for an exit visa immediately upon his return to Minsk. The Embassy returned his American passport to him for use in connection with the exit visa application. The passport was stamped valid for direct return to the United States only. On August 12, 1961, the Department of State sent a memorandum to Embassy Moscow concurring in the conclusion of the Embassy that "there is no available information and/or evidence to show that Mr. Oswald has expatriated himself under the pertinent laws of the U.S."

Oswald begins inquiries concerning a visa for
his Russian wife

At approximately the same time as he had discussed his own status with the consular officer in Moscow (July 1961), Oswald inquired about a visa for his wife to accompany him to the United States. On July 11, 1961, he executed a visa petition under Section 205 of the Immigration

and Nationality Act relating to non-quota status for Marina Nicholasvna Oswald as the spouse of an American citizen. This petition, together with a check for \$10.00 and a copy of a Soviet marriage certificate showing Oswald's marriage on April 30, 1961, was submitted to the Department by Embassy Moscow on August 23, 1961.

At the same time the Embassy requested a "security advisory opinion" on Mrs. Oswald, with a recommendation that the opinion be favorable and that the petition be approved. The memorandum from the Embassy in Moscow gave the pertinent biographic information about Mrs. Oswald and stated that she was employed as a laboratory assistant in a hospital in Minsk. The Embassy reported that in connection with this employment Mrs. Oswald was a member of the Soviet Trade Union for Medical Workers. The Embassy noted that "such membership is routinely considered to be involuntary" under the section of the Immigration and Nationality Act exempting certain involuntary membership in communist or communist-front organizations from the provisions of inadmissibility contained in the Act (Section 212(a)(26)(1)(1)).

Upon receipt of the request from Embassy Moscow of August 23, the Department initiated a check on Mrs. Oswald with the CIA, the FBI, the Department's own Office of Security, Division of Biographic Intelligence and, since the nationality of the husband was relevant to the petition, the Department's Passport Office. The name checks turned up certain information concerning Lee Oswald but no information indicating a

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different conclusion from that contained in the Embassy memorandum of August 28. Accordingly, on October 3, the Department cabled to Moscow that available information concerning the applicant established her eligibility under Section 212(a)(22)(I)(1) of the Act. The Department also forwarded the petition for non-quota status, together with the check, to the District Director of the Immigration and Naturalization Service in Texas by letter dated October 6, 1961.

Correspondence between Oswald and Moscow Embassy
July 1961 - February 1962

Oswald wrote four letters to the Embassy in Moscow from July to October 1961. He described certain "unusual and crude attempts on his wife at her place of work, apparently on the basis that she was seeking to leave the country". He enclosed copies of his wedding certificate and the birth certificate of his wife; he asked for clarification of the notation on his passport that it was valid only for direct travel to the United States; and he requested the United States Embassy to institute an official inquiry on his behalf in connection with the delay in issuance of an exit visa to him by the Soviet authorities. The Embassy in Moscow replied to Oswald by saying that the question of passport renewal could be discussed only in person at the Embassy, that the petition concerning his wife's status had not yet been approved, and that the Embassy had no way of influencing Soviet action on exit visas.

On November 1, Oswald again wrote to the American Embassy in Moscow stating that his document of residence was good until January 4, 1962.

He wrote that the Soviet officials had said to him that if he had not received an exit visa by the time his document of residence expired, this document would be extended. Oswald expressed his opinion that extension of that document without his consent or request would be unlawful, and asked whether the American Embassy supported this view. In reply the Embassy in Moscow wrote on November 13 that the Soviet document which he had was the type issued to persons considered by the Soviet authorities to have no citizenship and not the type issued to individuals acknowledged to be foreigners. "Meanwhile", the Embassy continued, "your continued retention of your present Soviet passport or an extension thereof, does not prejudice in any way your claim to American citizenship."

Oswald was not satisfied with that reply and renewed his question by letter to the Embassy of December 1, 1961. On December 14 the Embassy again wrote to Oswald that "since you are not considered a Soviet citizen by the authorities in this country, you are entitled to receive a Soviet exit visa upon presentation of a valid foreign national passport. Regarding the latter, as we have indicated to you before, you can take up the matter of renewing your expired American passport upon your next personal appearance at the Embassy."

* The word "passport" here refers to the identification document required of all persons resident in the Soviet Union, and not to a passport in the American sense of the word.

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Oswald wrote back on December 27 inquiring how long the processing of his passport would take. He said that ^{if} a delay could be expected he would make a special trip to Moscow for the purpose of his passport application, but that he preferred to make a single trip at the time his wife's visa application came up. The Embassy replied on January 5, 1962, that the processing of his wife's visa application would still take some time but that "a passport could normally be extended at the Embassy within a single full work day if we are informed of your arrival in advance. Following issuance, the passport will be yours to keep until completion of your travel."

On January 5 Oswald wrote again to the Embassy to say that his document of residence in the U.S.S.R. had been extended until July 5, 1962. He said also that permission for exit visas for himself and his wife had been granted by the Soviet authorities but that his own exit visa would be good for 45 days only. He added that he would like to leave as soon as all documents were finished since there would be an addition to the family in March. Finally, Oswald said, "I would like to make arrangements for a loan from the Embassy or some organization for part of the plane fares. Please look into this and notify us."

The Embassy replied on January 15, 1962 that several documents connected with Mrs. Oswald's immigrant visa application were still lacking and that in view of these circumstances Oswald might wish to reconsider

his decision to defer his departure until Mrs. Oswald's documentation was complete. The Embassy letter indicated that it might be easier to provide the necessary evidence that Mrs. Oswald would not become a public charge if Oswald were already in the United States. As to the inquiry concerning a loan, the Embassy indicated that this could be discussed when he appeared at the Embassy.

Oswald replied on January 16, "I certainly will not consider going to the United States alone for any reason, particularly since it appears my passport will be confiscated upon my arrival in the United States." Oswald enclosed with that letter an affidavit of support in Russian executed before a Soviet notary in Kizak. The Embassy replied on January 24 stating that there was considerable doubt about the adequacy of the affidavit and other documentation which Oswald had sent to meet the provisions of United States immigration law. The Embassy letter, signed by the American Consul in Moscow, went on, "I cannot urge you strongly enough to obtain a support affidavit from a close relative in the United States in order to insure that your wife will be able to travel with you." Oswald never furnished such affidavit of support.

In answer to another letter from Oswald dated January 23, 1962, the Embassy wrote to him on January 31 that it was not yet in a position to issue a visa to Mrs. Oswald for two reasons: First, because an approved visa petition had not yet been received from the Immigration

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and Naturalization Service, and second, because it was not yet clear that the affidavit of support which he had submitted met the public charge provisions of the immigration law. The Embassy said it "is making every effort to complete action on your wife's visa application as soon as possible ..." but that it was unlikely that the visa could be issued in time to permit her to travel to the United States before the child was born.

Oswald's Loan Application - January-March 1962

The Embassy had sent a memorandum to the Department on January 16, 1962 referring to some of the above correspondence, and requesting advice concerning authorization to make a loan for air travel to Mr. and Mrs. Oswald under the authority contained in the Foreign Service Manual. The Department wrote to Oswald's mother, Mrs. Marguerite Oswald, in Fort Worth, Texas, stating that Oswald had reported that he had received permission from the Soviet authorities to leave, but that he did not have the necessary funds. In its letter to Mrs. Oswald the Department said that it would arrange to transmit funds supplied by her through official channels in order to arrange for transportation for Mr. and Mrs. Lee Oswald. At the same time the Department got in touch by telephone with the International Rescue Committee in New York to find out if that organization was in a position to furnish funds for the travel of Mr. and Mrs. Oswald from the Soviet Union. The International Rescue Committee replied that it normally did not approve funds in this kind of case but only in the case of refugees.

On January 26 Senator John C. Tower of Texas wrote to the Department of State enclosing correspondence he had received from Lee H. Oswald relating to efforts on his behalf to return to the United States along with his wife. Senator Tower said, "Quite obviously his [Oswald's] inquiry should have been addressed to the Executive branch. For this reason I am forwarding this copy to you for whatever action the Department would consider appropriate." On February 9 the Department wrote to Senator Tower returning the letters he had sent in, and enclosing copies of certain correspondence between Embassy Moscow and Oswald and offering to keep the Senator informed of further developments if he should wish.

On February 1, 1962 the Department wrote to Mrs. Oswald that her son had indicated that he might be able to defray part of the cost of travel. The Department stated it hoped she would be able to raise the remainder of the necessary funds possibly by a loan from a bank or from friends or relatives. The Department discouraged her suggestion that her son's story be made public with an appeal for help. On February 2 the Department cabled the Embassy in Moscow that the loan was not approved pending receipt by the Embassy of an application in accordance with the Foreign Service Manual.

On February 6, the Embassy in Moscow addressed a letter to Oswald with a list of the information necessary to complete an application for a loan. On February 24, 1962, Oswald wrote to the Embassy enclosing

answers to the questions listed in the Embassy's letter. He submitted also an "affirmation" in which he solemnly declared that he was a loyal U. S. national, that he had not lost his citizenship and that all the statements in this application are true.

On March 6 Embassy Moscow requested authorization to make the loan to Oswald for transportation to the United States. The Embassy telegram states that Oswald had estimated that transportation for him and his family would cost \$800, while the Embassy's estimate was \$700. Oswald stated that he could pay \$200. On March 7 the Department replied that a loan for Oswald up to \$500 was authorized.

Processing of Mrs. Oswald's Visa - February-May 1962

On February 23, 1962 the District Director, Immigration and Naturalization Service in San Antonio, Texas, advised the Department and also Oswald directly, that the petition for non-quota immigrant status of Mrs. Oswald had been approved. The District Director advised the Department that the waiver of sanctions imposed under section 243(g) of the Immigration and Nationality Act relating to issuance of immigrant visas in the Soviet Union was not authorized.

The Department advised Embassy Moscow of this decision. The Department instructed the Embassy that if Oswald inquired about the possibility of a waiver of the section 243(g) sanction, he may be informed that full and complete consideration was given to that possibility and it was determined that the sanction should not be

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valued." However, the Office of Soviet Affairs in the Department urged reconsideration of the 243(g) decision and addressed memoranda to that effect to the Visa Office, and to the Acting Administrator of the Bureau of Security and Consular Affairs. Soviet Affairs stated that Oswald was an American citizen who defected from the United States and decided to reside permanently in the Soviet Union. Although he made known to the Embassy his original intention to renounce his American citizenship, he never completed the formalities and after due consideration the Passport Office made the decision that Oswald was still an American citizen. It added that:

SUV believes it is in the interest of the US to get Lee Harvey Oswald and his family out of the Soviet Union and on their way to this country as soon as possible. An unstable character, whose actions are entirely unpredictable, Oswald may well refuse to leave the USSR or subsequently attempt to return there if we should make it impossible for him to be accompanied from Moscow by his wife and child.

Such action on our part also would permit the Soviet Government to argue that, although it had issued an exit visa to Mrs. Oswald to prevent the separation of a family, the United States Government had imposed a forced separation by refusing to issue her a visa. Obviously, this would weaken our Embassy's position in encouraging positive Soviet action in other cases involving Soviet citizen relatives of US citizens.

The Soviet Affairs office also related the Oswald case to the general policy of the Department to seek to obtain permission from the Soviets for persons desiring to leave the Soviet Union in order to be with their close relatives who are American citizens.

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Accordingly, the Department telegraphed Embassy Moscow on March 27, 1962, to withhold action on its memorandum of March 9. On the same date the Acting Administrator of the Bureau of Security and Consular Affairs wrote to the Commissioner of Immigration and Naturalization requesting reconsideration of the decision to refuse to authorize issuance of an immigrant visa in Moscow to Mrs. Oswald. The Department's letter read in pertinent part as follows:

I appreciate the difficulty this case presents for your Service, because of Mr. Oswald's background, and the fact that granting a waiver of the sanction makes it appear that this Government is assisting a person who is not altogether entitled to such assistance. However, if the Embassy at Moscow is unable to issue Mrs. Oswald a visa, it would appear that she and indirectly the Oswald's newborn child are being punished for Mr. Oswald's earlier indiscretions. I might also point out that this Government has advanced Mr. Oswald a loan of \$500.00 for repatriation.

More important, however, is the possibility that if Mrs. Oswald is not issued a visa by the Embassy, the Soviet Government will be in a position to claim that it has done all it can to prevent the separation of the family by issuing Mrs. Oswald the required exit permission, but that this Government has refused to issue her a visa, thus preventing her from accompanying her husband and child. This would weaken the Embassy's attempts to encourage positive action by the Soviet authorities in other cases involving Soviet relatives of United States citizens.

Because of these considerations and because I believe it is in the best interests of the United States to have Mr. Oswald depart from the Soviet Union as soon as possible, I request that the Section 243(g) sanction be waived in Mrs. Oswald's case.

On May 4 Embassy Moscow telegraphed the Department to urge a decision on the Section 243(g) waiver as soon as possible. The Embassy reported that Oswald knew the petition for non-quota status for his

wife had been granted but that the question under Section 243(g) had not been discussed with him because of the possibility of reconsideration.

The State Department thereupon urged the Immigration and Naturalization Service to reach its decision as soon as it could.

On May 9 the Deputy Associate Commissioner, Travel Control, of the Immigration and Naturalization Service, wrote to the Department that, in view of the strong representations made in the State Department's letter of March 27, the sanctions imposed pursuant to Section 243(g) of the Immigration and Nationality Act were waived on behalf of Mrs. Oswald. This decision was immediately communicated to the Embassy in Moscow and by the Embassy to Cavalid.

Cavalid's Passport Renewed and He Departs
from the Soviet Union - May - June 1962

On May 24, 1962, Oswald executed an application for renewal of his U. S. passport. The passport renewal was granted on the same day apparently pursuant to the authorization given by the Department in its memorandum of August 19, 1961. In accordance with that memorandum the passport, which was already stamped "valid only for direct return to the United States", was renewed for 30 days only. On May 31st Embassy Moscow reported that the Oswalds would leave Moscow on June 1. In accordance with the local authorization the Embassy paid for steamship tickets on the S/S Masadan for Oswald, his wife and their child costing a total of \$412.00 and arranged that the tickets be delivered in

Rotterdam. The Embassy also paid a portion of the cost of rail tickets for the Oswalds from Moscow to Rotterdam in the amount of \$17.71. Oswald executed a promisory note at the Embassy in Moscow dated June 1, 1962 for a total of \$435.71.

Oswald in the United States - June 1962 - June 1963

The Oswalds arrived in New York on June 13, 1962. The Department had previously notified the FBI of the time and place of Oswald's arrival. This was in line with the practice followed throughout the Oswald case, as in other "defector" cases, whereby the State Department regularly informed the FBI of all developments.

The Oswalds apparently proceeded immediately to Texas. From August 13, 1962, through January 29, 1963, the Department received seven payments on the loan. The payments in August, September and October, in the amounts of \$10.00, \$9.71 and \$10.00 were mailed in Fort Worth, Texas, and the payment in November was mailed in Dallas. On December 11 the Department received payment of \$190 in two money orders mailed in Dallas. Another payment of \$100 was received on January 9, again by money order from Dallas. The final payment of \$106 was received on January 27, 1963, also from Dallas. Thus, Oswald repaid the Embassy loan in full over a period of seven months.

The Department did not again hear from Oswald until June 24, 1963, when he applied at the passport agency in New Orleans for a new passport.

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In his application he listed his address as a post-office box in New Orleans and listed his aunt, Lillian Hurst, of New Orleans as the person to notify in the event of death or accident. Oswald listed "tourist" as the purpose of his trip. He said he proposed to depart by ship from New Orleans and to stay abroad from three months to one year. He listed England, France, Germany, Holland, USSR, Finland, Italy and Poland as countries to be visited. In answer to the clerk's question he stated that his occupation was photographer. The passport agency in New Orleans sent a telex to the Department, as it does on all passport applications, requesting name checks of the applicant. Since Oswald's name did not appear on the "Lockout Card" index file, the Passport Office in Washington telegraphed its approval to the agency in New Orleans, and Oswald received a new passport on June 25, 1963.

MEMORANDUM

LEE HARVEY OSWALD -- PASSPORTS

Oswald was issued a passport on September 10, 1959, in Los Angeles. Oswald turned this passport in to the American Embassy in Moscow in October, 1959, and it was returned to him in July, 1961. This passport was renewed for thirty days on May 24, 1962, while he was in Moscow. He received a new passport on June 25, 1963, in New Orleans. This memorandum analyzes the rules and procedures governing the issuance of passports and their application in Oswald's case.

The Secretary of State is empowered to issue and renew passports under 22 U.S.C. § 211a, and in the absence of statutory or other authority he cannot refuse to do so upon request. Passports can, of course, only be issued to persons holding allegiance to the United States. 22 U.S.C. § 212. Furthermore, Section 6 of the Internal Security Act prohibits the issuance of a passport to an individual if the issuing officer knows or has "reason to believe" he is a member of the Communist Party of the United States.

The Department's regulations provide that passports shall be refused to a person when it appears to the satisfaction of the Secretary of State that his activities abroad would:

"(a) Violate the laws of the United States; (b) be prejudicial to the orderly conduct of foreign relations; or (c) otherwise be prejudicial to the interests of the United States." 22 C.F.R. § 51.136

I. PROCEDURES

I. PROCEDURES FOR HANDLING PASSPORT APPLICATIONS**A. General**

The following steps are taken prior to the issuance of every passport:

1. If the application is received by a Clerk of Court, it is forwarded to the Passport Office in Washington or to a local Passport Agency for adjudication.

2. When an application is received by the Passport Office or a Passport Agency, an adjudicator makes a determination whether the applicant is a United States citizen.

3. Passport Agencies forward to the Passport Office every applicant's name and date and place of birth by wire (TWX). The name of every passport applicant is checked against a "lookout file" in the Passport Office. If no "lookout card" is found for an applicant, the Passport Office authorizes the Agency by TWX to issue the passport (or the passport is issued by the Passport Office if the application was made in Washington). The procedures regarding the "lookout file" are described below:

4. If a Passport Agency, or the Passport Office, believes that a case may present a special problem, the applicant's file, if any, is referred to an appropriate division in the Passport Office.

B. Passport

B. Passport Office "Lookout File"

An ICI card file is maintained in the Passport Office containing the name, place of birth, and date of birth of approximately 250,000 individuals about whom the Passport Office has received information indicating that they may not be eligible or entitled to receive a passport. Each "lookout card" also indicates the date and reason for its preparation. These reasons are divided into 22 separate categories, such as loss of citizenship, passport fraud, parental objection to the issuance of a passport to a minor child, possible membership in the Communist Party of the United States, and non-payment of repatriation loans.

Unless a "lookout card" has been prepared on an individual, the Passport Office approves his application immediately, provided that he had properly completed the application, shown proof of his United States citizenship and paid the fee. This system enables the Passport Office to authorize issuance of passports to more than 99% of all applicants in a matter of hours.

Approximately 90% to 95% of the "lookout cards" are prepared because the individuals concerned may have lost their United States citizenship. These cards are included in the file at the direction of the division in the Passport Office which handles loss of nationality issues. Cards in the remaining categories are prepared at the direction of other divisions within the Passport Office, other offices within the State Department, and other agencies of the Federal Government.

Government. The Federal Bureau of Investigation, for example, requests the addition of several hundred cards each year. Similarly, the National Security Agency, the Office of Naval Intelligence and the Central Intelligence Agency each request the addition of cards. In all cases, these requests are complied with, and the agencies concerned are notified when any of the individuals in question apply for a passport.

II. PASSPORTS GRANTED TO OSWALD

A. September 10, 1959 - Oswald applied for a passport on September 9, 1959 at the Los Angeles Passport Agency. His application stated that the purpose of his trip was to attend the college of Albert Schweitzer, Chur, Switzerland, and the University of Turku, Turku, Finland, and to visit other countries as a tourist. He listed these other countries as follows: Cuba, Dominican Republic, England, France, Switzerland, Germany, Finland, and Russia. At that time, the Department had no file on Oswald and no evidence that indicated any grounds for denial, and a passport valid for two years was routinely issued to him on September 10, 1959. It will be recalled that this action coincided with the time of his honorable discharge from active service in the Marine Corps.

Oswald turned this passport over to a United States consular officer in Moscow on October 31, 1959, when he stated that he wished to renounce his United States citizenship. (See separate memorandum, "Lee Harvey Oswald -- Expatriation")

3.

3. May 24, 1962 - On July 10, 1961 Oswald executed an application for a renewal of his passport before a United States consular officer in the American Embassy in Moscow in connection with his efforts to return to the United States. At the same time he filled out a questionnaire used by the Passport Office to determine whether an individual has expatriated himself.

A United States consular officer stamped Oswald's passport as valid for direct return to the United States only and returned it to him on July 13 so that he could apply for a Soviet exit visa.

The Embassy reported at the time that:

"The possession of a foreign passport or similar travel document is typically a prerequisite to being permitted to file an application for a Soviet exit visa and it was felt that there was little prospect that Oswald could accomplish anything with the Soviet officials concerned unless he displayed his American passport." (Foreign Service Despatch dated July 11, 1961, from Embassy in Moscow to the Department of State)

Oswald had told the Moscow Embassy that he would not leave the U.S.S.R. without his wife and since there was virtually no chance that both he and his wife could have obtained exit visas prior to September 10, 1961 when his passport expired, the Embassy apparently felt that there was little chance that he could have used the passport to travel. The Embassy added in the Despatch referred to above that:

"It is not our intention to renew it without the Department's prior approval of the enclosed renewal application, and then only upon evidence of a present need for the renewal in connection with his efforts to return to the United States."

A "lookout card"

A "lookout card" was probably prepared on Oswald on the ground that he might have expatriated himself, but this cannot be determined with certainty and no such card is now in the "lookout file". A

memorandum dated March 28, 1960 from the Department to the Embassy in Moscow states that a card was prepared, and the customary forms dated March 25, 1960 were completed directing the preparation of a card. The usual notation on such forms indicating filing of a "lookout card" was not made, however, nor was a notation placed on the slip that the card was withdrawn, also a usual practice.

On the basis of the questionnaire which Oswald had filled out, and after a review of his file, the Passport Office determined that he had not expatriated himself. (See separate memorandum, "Lee Harvey Oswald -- Expatriation"). On August 18, 1961 the Department authorized the Embassy in Moscow to renew his passport, for direct return to the United States only. If a "lookout card" was prepared on Oswald, on the ground of possible expatriation, it was probably removed at that time.

Oswald made a new application for renewal of a passport on May 24, 1962, and his passport was renewed the same day, but only for thirty days. Apparently this was done on the basis of the Department's earlier authorization. As previously noted, the Embassy had restricted Oswald's passport to use for direct return to the United States. And, in fact, Oswald did return directly to the United States.

C.

C. June 25, 1963 - Oswald applied for a new passport on June 24, 1963 at the Passport Office in New Orleans, Louisiana.

His application indicates that his previous passport was cancelled and returned to him.

His application states that he intended to stay abroad for from three months to one year and to visit England, France, Germany, Holland, USSR, Finland, Italy and Poland.

As already noted, the Department had determined that Oswald had not expatriated himself in August 1961 in connection with his application for renewal of his passport in May 1962. There was no indication in the reports on Oswald sent to the Department by the Federal Bureau of Investigation that he was a member of the Communist Party. There is a "lookout card" category for individuals whose "actions do not reflect to the credit of the United States abroad," although not more than ten cards in this category are prepared each year. There was no request from any other agency for the preparation of a "lookout card" for this or any other reason after 1960.

According to the Department's procedures, a "lookout card" should have been prepared when Oswald received a repatriation loan in June 1962 (see separate memorandum, "Lee Harvey Oswald -- Repatriation Loan"), and this card would not have been removed from the file

the file until the loan was repaid. Normally, an individual's passport file would indicate if such a "lookout card" was prepared and there is no such indication in Oswald's passport file. In fact, however, his repatriation loan was repaid on January 29, 1963, five months prior to his application for a new passport.

For these reasons, no card on Oswald was in the "lookout file."

The New Orleans Passport Agency reported by TXX to the Department on June 24, 1963, that Oswald had applied for a passport. The "lookout file" was checked, no card was found, and the Department authorized the Agency to issue the passport on June 25, 1963, also by TXX. A passport was issued to Oswald on the same day.

LEE HARVEY OSWALD -- EXPATRIATION

On October 31, 1959, Oswald appeared at the American Embassy in Moscow, handed over his United States passport to a consular officer, Mr. Richard E. Snyder, and stated to the officer that he wished to renounce his United States citizenship and that he had applied for Soviet citizenship.

The Department determined in August 1961, that Oswald had not expatriated himself. This memorandum considers the issues involved in that determination.

A United States citizen may lose his nationality by performing any one of the expatriating acts described in the subsections to Section 349(a) of the Immigration and Nationality Act of 1952.

Only three of these subsections have any relevance in this case.

A. Oswald's Attempt to Renounce Citizenship -- Section 349(a)(6)
of the Immigration and Nationality Act

Section 349(a)(6) provides that a United States national shall lose his nationality by:

"making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State;"

In accordance with this statute, the Secretary has set forth the requisite form and procedure which are embodied in 22 C.F.R.

section 50.1,

Sections 50.1, 50.2, and 8 Foreign Affairs Manual Section 225.6 (Exhibit). These regulations provide that four copies of the renunciation form are to be executed, and the original and one copy sent to the Department. After the Department has approved the form it advises the appropriate consular officer who may then furnish a copy of the form to the person to whom it relates.

Oswald gave Mr. Snyder the following signed, undated, handwritten statement:

"I Lee Harvey Oswald do hereby request that my present citizenship in the United States of America be revoked.

"I have entered the Soviet Union for the express purpose of applying for citizenship in the Soviet Union, through the means of naturalization.

"My request for citizenship is now pending before the Supreme Soviet of the U.S.S.R.

"I take these steps for political reasons. My request for the revoking of my American citizenship is made only after the longest and most serious considerations.

"I affirm that my allegiance is to the Union of Soviet Socialist Republics.

s/ Lee H. Oswald"

Oswald was told by Mr. Snyder that he would have to come back on a later date to complete these forms. The Department officer who made this decision stated that he told

told Oswald that the Embassy was then closed and that the preparation of the documents would take some time, but that Oswald could accomplish his renunciation the following day, or at any other time he appeared when the Embassy was open. Mr. Snyder has stated in response to a recent inquiry by the Department that his real reason for this action was that:

"In my judgment common sense and sound professional practice advise against immediate action on requests for renunciation of citizenship where such action by consul might in effect abet individual acting out of sudden quixotic or irrational impulse or other transient influence to commit irrevocable act of serious consequence. This [is] a particular consideration [in] Moscow which [is a] magnet for certain defection-prone quixotic types of uncertain mentality and doubtful emotional stability. [A] further consideration is [the] potential political consequences which can result from renunciation by such [a] person not possessing permanent Soviet resident status. (Earlier Petrulli case illustrates points.)"

This advice

This advice by the consular officer was consistent with the Department's policy that consular officers are to make every effort to insure that individuals stating a desire to renounce their citizenship are sane and understand the seriousness and irrevocability of the act. Consular officers are generally instructed along these lines in orientation courses. It is common practice to delay accepting renunciation declarations in order to insure that the individual is not acting on a sudden impulse which he would later regret.

As noted in the above statement, the Moscow Embassy's experience with the case of Nicholas Petrulli illustrates the problems that can occur if such care is not taken. Mr. Petrulli executed an oath of renunciation of his United States citizenship on September 3, 1959, at the American Embassy in Moscow, less than two months before Oswald came into the Embassy. Later he attempted to repudiate this act. Furthermore, after his renunciation, an investigation of his medical background conducted in the United States indicated that he was not legally competent. On this basis the Department disapproved his loss of nationality certificate on October 13, 1959. This event was much in the mind of everyone in Moscow in dealing with Oswald.

On

On November 3, 1959, Oswald wrote to the American Embassy in Moscow requesting "that my present United States citizenship be revoked." In his letter he referred to his appearance at the Embassy on October 31 "for the purpose of signing the formal papers to this effect. This legal right was refused at that time." He stated that he wished to "protest this action," and that "my application requesting that I be considered for citizenship in the Soviet Union is now pending before the Supreme Soviet of the USSR. In the event of acceptance, I will request my government to lodge a formal protest regarding this incident." On November 6, 1959, the Department replied to Oswald's letter as follows:

"As you were informed at the time of your visit to the Embassy on October 31, 1959, it is a principle of the American Government that the right of expatriation is a natural and inherent right of any person and that the manner prescribed by law for renunciation of American citizenship is the execution of oath before a diplomatic or consular officer of the United States in the established form.

"You are again informed that you may appear at the Embassy at any time during normal business hours and request that the Embassy prepare the necessary documents for renunciation of citizenship. The Embassy hours are as follows: 9 a.m. - 1 p.m. and 2 p.m. - 6 p.m. on Monday, Tuesday, Thursday and Friday; 9 a.m. - 1 p.m. on Wednesday and Saturday."

The Embassy

The Embassy was not contacted further by Oswald concerning this matter. It is evident that he did not expatriate himself under Section 349(a)(6) because he did not make "a formal renunciation of nationality before a diplomatic or consular officer of the United States" in a form "prescribed by the Secretary of State."

E. Naturalization In A Foreign State -- Section 349(a)(1) of the Immigration and Nationality Act

Section 349(a)(1) provides that a United States citizen shall lose his nationality by:

"obtaining naturalization in a foreign state upon his own application, upon an application filed in his behalf by a parent, guardian, or duly authorized agent, or through the naturalization of a parent having legal custody of such person."

Oswald wrote in the statement he delivered to Mr. Snyder on October 31, 1959 that he had applied for Soviet citizenship, although he later denied this. (Despatch dated July 11, 1961, from the American Embassy, Moscow, to the Department.) In 1961 he showed a United States consular officer a document issued by the Moscow City Government on January 14, 1960, which indicated that he never was declared a Soviet citizen.* There was, therefore, no basis on which a determination could have been made that Oswald expatriated himself under Section 349(a)(1).

C. Alliance to a Foreign State -- Section 349(a)(2) of the Immigration and Nationality Act

Section 349(a)(2) provides that a United States citizen shall lose his nationality by:

"taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof;"

In the signed statement which Oswald delivered to the American Embassy in Moscow on October 31, 1959, he wrote:

"I affirm

*After the assassination of President Kennedy, an official of the Soviet Ministry of Foreign Affairs stated to an officer of the American Embassy in Moscow that Soviet authorities had considered Oswald's application for Soviet citizenship, but had decided not to approve it because Oswald seemed unstable.

"I affirm that my allegiance is to the Union of Soviet Socialist Republics."

It might be argued that this statement is an "affirmation, or other formal declaration of allegiance to a foreign state" within the meaning of Section 349(a)(2). The Department of State has consistently held, however, that:

"for loss of nationality to result from taking an oath of allegiance to a foreign state, the oath must be one 'which is prescribed by law or by regulations having the force of law' and must be taken before a competent official of the government concerned." (III Hackworth Digest of International Law 218 (1942))

This position is supported by In Re Bautista's Petition, 183 F. Supp. 271 (D.C. Guam, 1960) in which the court held that petitioner's oath of allegiance to the Republic of the Philippines did not expatriate him because it was taken before a notary public and not an official of the Republic of the Philippines.

Similarly, the Board of Immigration Appeals held in the Matter of L-----, 1 Dec. Imm. and Nat. Laws 317 (1942), that the following affirmation did not expatriate the declarant:

"I do swear that I will be faithful and bear true allegiance to His Majesty, King George VI, his heirs and successors, according to law. So help me God." Id. at 318.

The Board

The Board held that the individual involved had not expatriated himself because the affirmation was:

"not made to the British Crown in accordance with any law or regulation of the British Government. On the contrary, the obligation was between the appellant on the one hand and a private employer on the other."
Id. at 320.

The Board further held that:

"An oath or formal declaration mentioned by the statute must mean not only the giving of the oath by the individual but the acceptance of that oath by the foreign state. An oath of allegiance has no real significance unless the oath be made to the state and accepted by the state. Such acceptance on the part of the state must be made in accordance with the laws of that state." Id. at 320.

Those cases in which an individual has been held to have expatriated himself have involved an oath, declaration, or affirmation before "a competent official of the government concerned" and were "prescribed by law or by regulations having the force of law."

In McCambell v.

In McCambell v. McCambell, 13 F.Supp. 247 (D.C.W.D.

Ky. 1936); for example, the court held that the following oath, taken upon voluntarily joining the British Army, worked an expatriation under an earlier but substantially similar version of Section 349(a)(2):

"I . . . do make oath that I will be faithful and bear allegiance to His Majesty, King . . . his heirs and successors, and that I will, as in duty bound, honestly and faithfully defend his Majesty, his heirs and successors, his person, crown, and dignity against all enemies, and will observe and obey all orders of His Majesty, his heirs and successors, and all of the Generals and officers set over me, so help me, God." Id. at 248.

Similarly, in Reame v. United States, 124 F.Supp. 851, 852

(D.C.E.D. Mich. 1954), the Court held that the following declaration made upon voluntarily entering the Royal Canadian Navy expatriated the individual who made it under the same statute:

"I . . . do sincerely promise and swear (or solemnly declare) that I will be faithful and bear true allegiance to His Majesty."

Furthermore, even apart from the requirement that an oath, declaration, or affirmation must, to result in expatriation, be made before "a competent official of the government concerned"

concerned" and be "prescribed by law or by regulation having the force of law," it has been held the oath, declaration, or affirmation must also place

"the person taking it in complete subjection to the state to which it is taken, at least for the period of the contract, so that it is impossible for him to perform the obligations of citizenship to this country."

Jalbuena v. Dulles, 254 F.2d 379, 391-n.2 (3d Cir. 1953), quoting Secretary of State Hughes, III Hackworth, Digest of International Law 219-20 (1942); adopted in In Re Pautista's Petition, supra, at 275. Oswald's statement could not reasonably be interpreted to have placed him "in complete subjection to" the U.S.S.R.

For these reasons, it could not be held that Oswald expatriated himself under Section 349(a)(2) by his October 31, 1959 statement, and the Department has no evidence that he made any other oath or declaration of allegiance to the U.S.S.R.

LEE HARVEY OSWALD -- ISSUANCE OF VISA TO WIFE,
MRS. MARINA NICHOLAEVNA OSWALD

Sometime in May 1962 the United States Consulate in Moscow issued a non-quota immigrant visa to Mrs. Oswald. Shortly thereafter she accompanied Lee Oswald to the United States, together with their infant daughter. The Oswald family arrived in New York on June 13, 1962. There is no question that Mrs. Oswald, as the wife of a United States citizen, was entitled to non-quota status under Section 205 of the Immigration and Nationality Act. However, issuance of an immigrant visa to Mrs. Oswald in Moscow required determinations under two other provisions of the Immigration and Nationality Act -- Section 212(a)(28), which provides that aliens who are members of or affiliated with communist organizations are inadmissible; and Section 243(g), prohibiting the issuance of immigrant visas by Consuls in the territory of countries which have refused to accept the return of persons sought to be deported from the United States. The procedures governing these determinations are discussed in this memorandum.

L. Section 212(a)(28) - Membership in a Communist Organization

When the visa application of Mrs. Marina N. Oswald was received, the State Department ran a file check on her, as it does on all visa applicants, with the CIA, the FBI and the Department's Security Office, Division of Biographic Intelligence and the Passport Office. All of these reports were negative on the question raised by section 212(a)(28).

The only information pertinent to section 212(a)(28) was furnished by Embassy Moscow, namely that Mrs. Oswald had since 1957 been a member of the Soviet Trade Union for Medical Workers. Mrs. Oswald had

(Page 3 of this document contains classified information.)

graduated from the Pharmaceutical Technical Institute in Leningrad in 1959, and since her graduation lived in Minsk, where she was employed as a laboratory assistant in the Klinicheskaya Hospital. Membership in the Trade Union for Medical Workers was apparently required for her employment in the hospital. As stated in the Operations Memorandum from Embassy Moscow to the Department, dated August 28, 1961, "such membership is routinely considered to be involuntary under section 212(a)(22)(I)(i) of the Act".

Section 212(a)(22)(I)(i) of the Immigration and Nationality Act provides in pertinent part that:

any alien who is within any of the classes described in subparagraphs (B), (C), (D), (E), (F), (G), and (H) of Section 212(a)(22) because of membership in or affiliation with a party or organization or a section, subsidiary, branch, affiliate, or subdivision thereof, may, if not otherwise ineligible, be issued a visa if such alien establishes to the satisfaction of the consular officer when applying for a visa and the consular officer finds that (i) such membership or affiliation is or was involuntary, or is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and where necessary for such purposes ...

Embassy Moscow, with the concurrence of the Department, found that Mrs. Oswald's membership in the Medical Workers Union came under the exception in Section 212(a)(22)(I)(i). This finding is consistent with a long-standing interpretation concurred in by the State and Justice Departments that membership in a professional organization or trade union behind the Iron Curtain is considered involuntary unless

the membership is accompanied by some indication of voluntariness, such as active participation in the organization's activities or holding an office in the organization. State-Justice agreement on this interpretation is reflected in a record of formal conference between the Visa Office and the Immigration and Naturalization Service on July 14,

Begin 1955. That interpretation is currently embodied in the Confidential
Confidential Appendix, Appendix A, to the Visa Regulation of the Department, 22 C.F.R. 42.91(a)(23), Note 3, last issued on December 9, 1960. Paragraph 3.3 reads as follows:

3.3 Membership in mass organizations

Rank and file membership in proscribed mass organizations in Communist and Communist-controlled countries may in general, if police repression or political or economic discrimination is or was the coercive factor bringing about such membership, be considered involuntary within the meaning of section 212(a)(23)(I)(i) of the Act unless the alien actively participated in the organization's activities or joined or remained connected with it because of political or ideological conviction. When an alien is refused a visa because of voluntary membership in a proscribed organization of this type the report submitted to the Department pursuant to Appendix A, 22 CFR 42.130, Note 1, should show the circumstances leading to the decision.

End
Confidential

2. Section 243(c) - Issuance of Immigrant Visas in Moscow

On May 26, 1953, the Department of State transmitted to the United States Mission in Moscow a communication from the Deputy Attorney General stating that the Attorney General had invoked Section 243(g) as the result of failure by the Soviet Union to accept the return of aliens deported or sought to be deported from the United States.

Accordingly, Consular Officers were instructed to discontinue the issuance of immigrant visas until advised by the Department of State to the contrary. It should be noted that Section 243(c), when invoked by the Attorney General, applies to a country, or more specifically to United States Consular Officers stationed in such countries. The section does not create ineligibility for any particular alien or class of aliens, but was designed to exert pressure on countries which failed to receive departees from the United States. In fact, any person precluded from receiving an immigrant visa because of the application of Section 243(c) may proceed to a United States Consulate in another country where the sanctions are not in effect, and receive an immigrant visa if otherwise qualified.

Section 243(c) does not contain any provision for waiver. However, the Justice Department has considered that such waiver powers existed under the general powers of the Attorney General granted by the Act. Conferences were held by the Departments of State and Justice from time to time since the statute had become applicable relating to procedures for handling Section 243(c) cases and policies in granting waivers. In fact, despite the application of Section 243(c), 661 immigrant visas were issued in Moscow in the ten-year period ending June 30, 1963. In FY 1962, 97 immigrant visas were issued in Moscow, and in FY 1963 102 such visas were issued.

In general, the policy for granting waivers of the prohibitions of Section 243(g) was that the statute would be waived in order to prevent separation of families, i.e., it would be waived in the case of persons eligible for non-quota or first preference visas. This policy is currently reflected in Part III of the Department of State's Visa Handbook, 22 C.F.R. 42.120, Procedural Note 2, last issued on February 15, 1961. Note 2 states:

2. Waivers of sanctions imposed under section 243(c) 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. (Amended 2-15-61)

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.

The statutory procedure for handling petitions for non-quota or preference status by reason of relationship calls for a determination of eligibility for such status by the Attorney General, and the responsibility for making such determinations has been delegated by the Attorney General to the District Directors of the Immigration and Naturalization Service. Since in the Oswald case the relative (husband) making the petition for non-quota status was in Moscow at the time of the application, the petition was forwarded by the Embassy in Moscow through the State Department to the District Director in San Antonio, Texas, the office having jurisdiction over Oswald's domicile in the United States. In accordance with the procedure worked out between the State and Justice Departments and reflected in Procedural Note 2.1 quoted above, the District Director was to note his determination as to a waiver of Section 243(g) at the same time as he made his determination of eligibility for non-quota status under Section 205(a).

In the Oswald case, the District Director of the Immigration and Naturalization Service informed the Visa Office of the State Department by letter of February 23, 1962 that the petition for non-quota status had been approved, but that waiver of the sanction under Section 243(g) was not authorized. No reason for disapproval of the waiver was stated in the District Director's letter, but it is clear from the internal

order of the Immigration and Naturalization Service that the refusal to authorize the waiver was based on Oswald's statements and attitude while in the Soviet Union. The District Director considered that neither Oswald, nor a person making an application by reason of relationship to him, was entitled to any special or discretionary benefits. The substance of the Immigration and Naturalization Service communication was transmitted by the Department of State to the United States Embassy in Moscow.

On March 16, the Soviet Affairs Office of the State Department advised the Visa Office of the Department as follows:

SOV believes it is in the interest of the US to get Len Harvey Oswald and his family out of the Soviet Union and on their way to this country as soon as possible. An unstable character, whose actions are entirely unpredictable, Oswald may well refuse to leave the USSR or subsequently attempt to return there if we should make it impossible for him to be accompanied from Moscow by his wife and child.

Such action on our part also would permit the Soviet Government to argue that, although it had issued an exit visa to Mrs. Oswald to prevent the separation of a family, the United States Government had imposed a forced separation by refusing to issue her a visa. Obviously, this would weaken our Embassy's position in encouraging positive Soviet action in other cases involving Soviet citizen relatives of US citizens.

This representation was in accord with the Department's established policy of trying to obtain permission from the Soviet government for persons having claim to American citizenship and close relatives of American citizens to leave the Soviet Union to join their families in the United States.

- 2 -

Thereupon, on March 27, 1962, the Acting Administrator, Bureau of Security and Consular Affairs, addressed a letter to the Commissioner of the Immigration and Naturalization Service, Department of Justice, requesting reconsideration of the decision not to waive the provisions of Section 243(c) in the case of Mrs. Oswald. The text of the Department's letter is as follows:

The case of Mrs. Marina N. F. Oswald has been brought to my attention. Mrs. Oswald is the wife of Mr. Lee Harvey Oswald, an American citizen, and is applying for an immigrant visa at the Embassy at Moscow. She has been granted exit documentation by the Soviet authorities and the Embassy is prepared to consider her case under the provisions of Section 212(a)(23)(1)(1) of the Immigration and Nationality Act.

However, the Department has now been informed by the District Director of your Service at San Antonio that, while the petition granting Mrs. Oswald nonquota status for immigrant visa purposes has been approved, the sanction against the issuance of immigrant visas in the Soviet Union imposed pursuant to Section 243(f) of the Act will not be waived. I should like to request your reconsideration of that decision.

I appreciate the difficulty this case presents for your Service, because of Mr. Oswald's background, and the fact that granting a waiver of the sanction makes it appear that this Government is assisting a person who is not altogether entitled to such assistance. However, if the Embassy at Moscow is unable to issue Mrs. Oswald a visa, it would appear that she and indirectly the Oswalds' newborn child are being punished for Mr. Oswald's earlier indiscretions. I might also point out that this Government has advanced Mr. Oswald a loan of \$500.00 for repatriation.

More important, however, is the possibility that if Mrs. Oswald is not issued a visa by the Embassy, the Soviet Government will be in a position to claim that it has done all it can to prevent the separation of the family by issuing Mrs. Oswald the required exit

poration, but that this Government has refused to issue her a visa, thus preventing her from accompanying her husband and child. This would weaken the Embassy's attempts to encourage positive action by the Soviet authorities in other cases involving Soviet relatives of United States citizens.

Because of these considerations and because I believe it is in the best interests of the United States to have Mr. Oswald depart from the Soviet Union as soon as possible, I request that the Section 243(g) sanction be waived in Mrs. Oswald's case.

After a number of telephone conversations between the State Department and the Immigration and Naturalization Service, the INS replied by letter of May 9 and agreed to waive the sanction of Section 243(g). The text of the INS letter of May 9, 1962 is as follows:

The Service file relating to the case of Mrs. Marina N. P. Oswald, subject of your letter of March 27, 1962, has been carefully reviewed in this office.

On February 28, 1962, the District Director at San Antonio wrote the Assistant Director of the Visa Office that he declined to waive in Mrs. Oswald's case the sanctions against the issuance of immigrant visas in the Soviet Union imposed pursuant to Section 243(g) of the Immigration and Nationality Act. Your letter states that preventing Mrs. Oswald from accompanying her husband and child to the United States would weaken the attempts of the Embassy in Moscow to encourage positive action by the Soviet authorities in other cases involving Soviet relatives of United States citizens. Your letter also states that waiving of sanctions in behalf of Mrs. Oswald would be in the best interests of the United States.

In view of the strong representations made in your letter of March 27, 1952, 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. Cavald.

As the above-quoted exchange of letters indicates, the waiver of Section 243(g) in the case of Mrs. Cavald was not handled as a routine matter. Persons in the State Department who regularly deal with consular problems arising in Iron Curtain countries state that refusals to grant waivers in Section 243(g) cases involving close personal relationships were very rare and that the State Department requested reconsideration in each of these cases by the Immigration and Naturalization Service Central Office. The reason for Department concern was the desire to obviate the necessity for the spouses of American citizens to travel to a third country to receive a visa for which they were otherwise qualified under the law. Equally important was the Department's concern not to offer the Soviets an excuse for refusing exit permits to other spouses of American citizens.

MEMORANDUM

RE HARVEY OSWALD -- REPATRIATION LOAN

On June 1, 1962, Oswald received a repatriation loan from the American Embassy in Moscow to enable him and his wife and child to return to the United States. The amount of Oswald's loan was \$435.71, and it was in the form of three steamship tickets from Rotterdam to New York plus a small portion of the cost of railway tickets from Moscow to Rotterdam. Oswald repaid the full amount of the loan in installments. A schedule of the installments is attached. (Exhibit 1) This memorandum analyzes the authorities and procedures under which this loan was granted.

I. STATUTORY AUTHORITY

5 U.S.C. § 1701 authorizes the Secretary of State to:

"(a) make expenditures, from such amounts as may be specifically appropriated therefor, for unforeseen emergencies arising in the diplomatic and consular service and, to the extent authorized in appropriation Acts, funds expended for such purposes may be accounted for in accordance with section 107 of Title 31"

Since 1947 the Department of State's annual Appropriation Act has included a sum "for expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular

Consular Service, to be expended pursuant to the requirement of Section 291 of the Revised Statute (31 U.S.C. 107).² In recent years, the accompanying House Reports state that:

"These funds are used for relief and repatriation loans to United States citizens abroad and for other emergencies of the Department. Repayments of the loans are deposited in miscellaneous receipts of the Treasury."

For fiscal years 1962 and 1963, Congress appropriated \$1,500,000 for these purposes. Between 1953 and 1962 the sum appropriated annually for these purposes had been \$1,000,000. From these accounts the Secretary of State has annually allotted approximately \$100,000 to meet the expenses of repatriation of indigent United States nationals who request repatriation loans. A chart showing a breakdown of expenditures from this allotment for the past five years is attached. (Exhibit 2)

II. REGULATIONS GOVERNING PROCEDURE

Under the Department's regulations repatriation loans to destitute United States nationals are authorized by the Department only when:

"a. Investigation shows that the United States national will suffer undue hardship if he does not return to the United States, that he is without relatives or friends either abroad or in the United States who are able and willing to assist him financially, and that he is unable, through employment or otherwise, to obtain funds for support or for

return

return passage (an initial telegram may be sent to relatives or friends in the United States through the Department at Government expense); or

"b. The United States national is in or is the cause of a situation which is damaging to the prestige of the United States Government or which constitutes a compelling reason for extending assistance to effect his return." (7 FAM § 423.1-2)

The Department considered that Oswald's continued presence in Russia was damaging to the prestige of the United States because of his unstable character and prior criticisms of the United States. The provisions of subsection "b" were, therefore, applicable. The Department sought, however, in accordance with subsection "a," to obtain funds for the Oswalds' repatriation from both Oswald's mother and from the International Rescue Committee. Neither effort was successful.

These regulations further provide that repatriation loans may be granted only to United States nationals:

"a. Who are in complete and unquestioned possession of their citizenship rights;

"b. Who are entitled to receive United States passports;

"c. Whose loyalty to the United States Government is beyond question, or to whom the provisions of section 423.1-2(b) apply." ["The United States national is in or is the cause of a situation which is damaging to the prestige of the United States Government or which

constitutes

constitutes a compelling reason for extending assistance to affect his return." (7 FAM § 423.2-1)

Oswald met the requirements of subsections "a" (see separate memorandum, "Lee Harvey Oswald -- Expatriation") and "b" (see separate memorandum, "Lee Harvey Oswald -- Passports"). As for subsection "c," the provisions of Section 423.1-2(b) applied, as noted above.

The Department's regulations provide that all repatriation loans must be approved by the Department (7 FAM § 423.3-1), and that prior to approval of any loan the Department will first endeavor to obtain funds from the individual's family or other private sources.

(7 FAM § 423.3-2) Both of these requirements were met in the Oswald case. Loans are limited:

"to the minimum amount required to cover transportation and subsistence while en route to the nearest continental United States port The cost of transportation shall be limited to third-class passage by ship; loans shall not be granted to cover travel by air except:

"a. In cases of emergency; or

"b. When no other means of transportation by surface route added to unavoidable expenditures while awaiting embarkation exceeds the cost of air travel." (7 FAM § 423.3-3)

Oswald's loan was sufficient to cover only the least expensive transportation from Moscow to New York.

Repatriation

Repatriation loans are also authorized (and were granted in the Oswald case) for the alien wife and children of a United States national receiving a repatriation loan, in order to avoid division of families. (7 YAI § 423.3-5)

Each applicant for a repatriation loan is required to sign an application setting forth the following information (Oswald's responses are in brackets):

- "1. Your name in full. [Lee Harvey Oswald]
- "2. Place and date of birth. [New Orleans, La. Oct. 18, 1939]
- "3. Number, place, and date of issue of your last passport. [No. 1733242, Los Angeles, Calif., Sept. 10, 1959]
- "4. Periods and places of residence in the United States, and periods, places and purpose of residence abroad. [1950-1956 Ft. Worth, Texas, 1956-1959; U.S. Marine Corps Active, Duty Stations; Los Angeles, Calif., Atsugi, Japan, Suez Bay, Philippines, Is., 1959-1962, Minsk, U.S.S.R. residence]
- "5. Previous means of livelihood, or support, including occupation, salary, when terminated, and name and address of last employer. [Active Duty U.S. Marine Corps, Radar Operator, Rank E1-E2, Active Duty Terminated Sept. 10, 1959, Honorable Discharge Received]
- "6. Full name, age, relationship, and nationality of dependents who will travel with you. [Marina N. Oswald, Wife, Russian; June Lee Oswald, Daughter, American]
- "7. Personal funds or property in the United States or abroad, estimate of amount, exact location and person or institution in charge of them. [None]

"8. Efforts

- "8. Efforts made to obtain funds from private sources and the results thereof. [Petition for donations to, International Rescue Committee, 251 Park Ave., South New York, N.Y. I have not been notified of the result of petition]
- "9. Any previous advances of United States Government funds received (indicate amount, from whom and when). [None]
- "10. Estimated amount which you and your dependents will require for repatriation (expressed in dollars). Please note that it is necessary to indicate just how much of the cost of your return trip you can pay yourself. [\$300.00 (\$200.00 can be paid by myself)]
- "11. Names and addresses of relatives, friends, employers or other interested organizations which may be asked to provide funds for you and your dependents. [International Rescue Committee, 251 Park Ave., N.Y., N.Y.]
- "12. Permanent or best address in the United States to which you desire to return. [7313 Daymont St., Ft. Worth, Texas]."

Oswald was also required to sign the following affirmations:

"I solemnly declare that I am a loyal United States national, that I have not lost my citizenship and that all the statements in this application are true. I hereby apply for a loan of the United States Government funds for repatriation for myself and my dependents herein named. I promise to repay all funds that may be advanced to me, and to keep the Department of State, Washington, D.C., informed of my address after my arrival in the United States until such time as the loan is repaid in full."

The current form of this affirmation states in addition that the applicant is destitute and will not be furnished a passport until his loan is repaid. (7 FAM 423.5-2)

Each

Each recipient of a repatriation loan is required to sign a promissory note by which he promises to repay without interest, to the Treasurer of the United States, upon demand, the amount of his repatriation loan. The note also states:

"I further understand and agree that after my repatriation I will not be furnished a passport for travel abroad until my obligation to reimburse the Treasurer of the United States is liquidated."
(7 FAM § 423.6-5)

A copy of Oswald's note is attached. (Exhibit 3)

All passports of persons receiving repatriation loans are required to be stamped as valid only for return to the United States.

(7 FAM § 423.7-1)

III. GENERAL PROCEDURES

United States nationals such as Oswald who request repatriation assistance abroad apply for such assistance to consular officers at American Embassies or Consulates. A consular officer interviews each applicant to insure that the applicant is a United States citizen and is destitute. The applicant must execute the application form referred to above before the consular officer. The original application is then normally forwarded to the Department by pouch and is processed by the Office of Special Consular Services (SCS) in the Bureau of Security and Consular Affairs (SCA). The Department may authorize a loan in advance of receipt of the executed application form, as in the Oswald case, when the facts are already known to the Department.

Each

Each case is reviewed in the Protection and Welfare Division of SCS to insure compliance with the regulations referred to above and determine whether funds are available from any other sources, such as relatives, friends, employers, or other interested organizations.

In cases in which political questions are involved, such as when a foreign government has requested the removal of the applicant, and in all cases such as Oswald's which involve repatriation from the U.S.S.R. or Bloc countries, clearance by the political desk involved is obtained. In the Oswald case, the Office of Soviet Affairs supported the grant of a loan.

If funds are not available from other sources, the Department acts on the application for the repatriation loan, and informs any other agency which may be concerned or have evidenced interest. In the Oswald case, the Department informed the FBI on March 27, 1962, that Oswald had applied for a repatriation loan and that the loan had been authorized.

When a post receives approval of a loan, it obtains a promissory note from the applicant in the form referred to above and makes the funds or transportation tickets available. The promissory note is sent by the post to the Department for collection. The Department's Office of Finance thereafter undertakes to obtain repayment of the loan. These procedures were followed in the Oswald case.

LEE HARVEY OSWALD -- EMERGENCY LOAN RECORD

JUNE 1, 1962

Promissory note executed at American Embassy in Moscow in total of \$435.71 for transportation Moscow-New York.

AUGUST 13, 1962

Received \$10.00 (cash) from Oswald, 2703 Mercedes Street, Ft. Worth, Texas. Posted August 14, 1962.

SEPTEMBER 5, 1962

Received \$9.71 (money order) from Oswald, 2703 Mercedes Street, Ft. Worth, Texas. Posted September 6, 1962.

OCTOBER 10, 1962

Received \$10.00 (postal money order) from Oswald, 2703 Mercedes Street, Ft. Worth, Texas. Posted October 11, 1962.

NOVEMBER 19, 1962

Received \$10.00 (postal money order) from Oswald, Box 2915, Dallas, Texas. Posted November 20, 1962.

DECEMBER 11, 1962

Received \$190.00 (two postal money orders) from Oswald, Box 2915, Dallas, Texas. Posted December 12, 1962.

JANUARY 9, 1963

Received \$100.00 (postal money order) from Oswald, Box 2915, Dallas, Texas. Posted January 10, 1963.

JANUARY 29, 1963

Received \$105.00 (two money orders) from Oswald, Box 2915, Dallas, Texas. Posted February 7, 1963. PAID IN FULL.

EXHIBIT 2

Year	Total - Repast. Loans (Including Substistence)	No. of Loans	Aver. Amt. of Loans *	V.S.S.R.
FY 1959	\$79,343.45	453	\$175.00	none
FY 1960	69,206.19	401	172.00	none
FY 1961	75,106.93	553	136.00	1 (440.35)
FY 1962	84,684.62	475	178.00	1 (435.71)
FY 1963	88,460.13	461	192.00	1 (445.00)
FY 1964	**	**	**	2 (1,125.22)

Commission Exhibit No. 950

* Rounded off to nearest even dollar. Some loans include more than one person.

** Not yet available.

12/4/63

June 1, 1962

Commission Exhibit No. 950

PROMISE TO REPAY FINANCIAL ASSISTANCE LOAN FOR REPATRIATION

I, Lee Harvey OSWALD, upon receipt of transportation tickets for myself, my wife, and my daughter for transportation from Moscow to New York, purchased on my behalf by the American Embassy, Moscow, do obligate myself to repay without interest to the Treasurer of the United States upon demand, in legal tender of the United States, the cost of these tickets, minus the contribution which I made toward their cost.

The cost of the transportation is as follows:

- | | |
|--|---------------|
| (1) Steamship tickets - Rotterdam-New York
(\$159 per adult, \$26 for infant) | \$419 |
| (2) Rail tickets - Moscow-Rotterdam
(\$2.97 rubles per adult) | 105.94 Rubles |

I have contributed 90 Rubles toward the price of the rail tickets. Hence my obligation is \$419 plus \$17.71, the dollar equivalent of 15.94 Rubles, making a total of \$435.71.

I understand that my obligation to repay the sum herein stated will not be discharged until the Treasurer of the United States actually receives in legal tender of the United States full repayment of that sum.

I further understand and agree that after my repatriation I will not be furnished a passport for travel abroad until my obligation to reimburse the Treasurer of the United States is liquidated.

Repayment of the amount of this loan may be obtained by the Department of State from any source now or hereafter due to from the Veterans Administration or other agency of the United States Government.

Local address: Hotel Berlin, Moscow, USSR

United States address: 7313 Devonport Street, Fort Worth, Texas.

WITNESS:

Winifred C. Williams
Winifred C. Williams
American Embassy
Moscow, USSR

Lee Harvey Oswald
Lee Harvey Oswald