

THE LEGAL ADVISOR
DEPARTMENT OF STATE
WASHINGTON

Commission Exhibit No. 960

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May 26, 1964

Dear Mr. Rankin:

In response to your letter of March 23 I am enclosing a memorandum setting forth the Department's responses to questions 1 through 4 contained in attachment A to your letter. # 977

In accordance with my letter to you of April 17, the memorandum has been reviewed by the American Embassy in Moscow. The Embassy has informed us that it has no additional information or comments.

Sincerely,

Abram Chayes
Abram Chayes

Enclosure:

Responses to questions.

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

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ATTACHMENT A

Commission Exhibit No. 960

QUESTION 1

Your file reflects the fact that Lee Harvey Oswald believed that he could not travel from Minsk to Moscow for the purpose of discussing his return to the United States with American officials without first obtaining the permission of Soviet officials in Minsk, and that Oswald was reluctant to seek this permission. Only a few months after expressing his fears in this respect, Oswald traveled to Moscow with his wife and returned, apparently without having sought or received permission to do so.

A. Could the average Soviet citizen travel in this manner without first obtaining permission from the appropriate officials of the Soviet Union?

ANSWER - We understand that a Soviet citizen may buy a ticket and travel on a public conveyance without obtaining permission from Soviet officials. The passport regulations issued by the USSR Council of Ministers and dated January 9, 1962, specify that Soviet citizens "arriving for permanent or temporary sojourn or changing their place of living in localities where the passport system has been introduced must within 24 hours produce their passports for the house administration, directors of hostels, or other persons responsible for registration in order to register them with militia authorities." In a speech entitled "Strictly Observe Passport Regulations," delivered on September 27, 1962, the Chief of the Passport Section of the Kyzyl City Militia Department, Mr. Cherkashin, stated that passports are required for "all citizens of the USSR 16 years of age or over who reside in cities, rayon capitals [a rayon is an administrative area like a county], city-type settlements, or in the border zones." He also stated that residents of rural areas must obtain a passport from the militia before departing for other regions in the Soviet Union. Copies of the regulations and speech referred to above are enclosed.

Although the regulations were issued in 1962, it is our understanding that Soviet travelers have been, for many years, required to register at their place of

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destination in almost all cases, except for short trips. We also know that Soviet militia often stop automobiles and trucks traveling from city to city. The driver or some other responsible person has to show that there is some reason for the travel and a passport or some other document signed by an appropriate official must be presented.

B. Could resident foreigners normally travel in this manner without first obtaining such permission?

ANSWER - There are only a few Western nationals now living in the Soviet Union. They include an American Roman Catholic priest, an American Protestant minister, a number of correspondents, some students and technical advisers to Soviet businesses. We know that the priest, the minister, the correspondents and the students must obtain permission from Soviet authorities before taking any trips. The technical advisers notify officials of their project before they travel and these officials personally inform the militia.

C. If travel of this type was not freely permitted, do you believe that Oswald normally would have been apprehended during the attempt or punished after the fact for traveling without permission?

ANSWER - Based on the information we have, we believe that if Oswald went to Moscow without permission, and this was known to the Soviet authorities, he would have been fined or reprimanded. Oswald was not, of course, an average foreign resident. He was a defector from a foreign country and the bearer of a Soviet internal "stateless" passport (vid na zhitelstvo dlya litsa bez grazhdanstva) during the time when he was contemplating the visit to Moscow to come to the Embassy. (On January 4, 1962 he was issued a passport for foreigners -- vid na zhitelstvo dlya Inostrantsa.)

The Soviet authorities probably knew about Oswald's trip even if he did not obtain advance permission, since in most instances the Soviet militia guards at the Embassy ask for the documents of unidentified persons entering the

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Embassy grounds. By Oswald's own statement, the foremen at his wife's place of employment were notified that they had visited the Embassy while they were still in Moscow. The usual "enemy of the people" meetings were held, his wife condemned for her action and friends warned against speaking to her.

An American citizen who, with her American citizen husband, went to the Soviet Union to live permanently and is now trying to obtain permission to leave, informed the Embassy that she had been fined for not getting permission to go from Odessa to Moscow on a recent trip to visit the Embassy.

D. Even if such travel did not have to be authorized, do you have any information or observations regarding the practicality of such travel by Soviet citizens or persons in Oswald's status?

ANSWER - It is impossible to generalize in this area. We understand from interrogations of former residents in the Soviet Union who were considered "stateless" by Soviet authorities that they were not permitted to leave the town where they resided without permission of the police. In requesting such permission they were required to fill out a questionnaire giving the reason for travel, length of stay, addresses of individuals to be visited, etc.

Notwithstanding these requirements, we know that at least one "stateless" person often traveled without permission of the authorities and stated that police stationed at railroad stations usually spotchecked the identification papers of every tenth traveler, but that it was an easy matter to avoid such checks. Finally, she stated that persons who were caught evading the registration requirements were returned to their home towns by the police and sentenced to short jail terms and fined. These sentences were more severe for repeated violations.

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SOVIET PASSPORT REGULATIONS

9 January 1962

Citizens arriving for permanent or temporary sojourn or changing their place of living in localities where the passport system has been introduced must within 24 hours produce their passports for the house administration, directors of hostels, or other persons responsible for registration in order to register them with militia authorities. A citizen who has received a new passport must also produce it for the house administration or call in person at the passport bureau for registration. After that the new passport must be produced at the place of work for the cadre department or personnel office, where it will be stamped to show that its owner has been accepted for work.

When receiving a new passport one must see that the information about the bearer and his children below 16 years of age has been properly entered, as well as the marriage data and stamp. It should be borne in mind that all citizens from 16 to 40 years of age receive passports valid for a limited period of time. When the validity of the passport expires, the citizen should apply to the passport office for a new passport. It should be born in mind that living without a passport or registration book, an invalid passport, or acceptance for work without a passport or registration book, constitutes violation of passport regulations. Persons guilty of such violations of the passport regulations are liable to prosecution.

SPEECH BY MR. CHERKASHIN, CHIEF OF THE PASSPORT SECTION
OF THE KYZYL CITY MILITIA DEPARTMENT
SEPTEMBER 27, 1962

STRICTLY OBSERVE PASSPORT REGULATIONS

The Soviet passport is the only document certifying the identity of a citizen in a locale with a passport system (v pasportizirovannoy mestnosti). Possession of this document certifies that its holder belongs to the great family of the Soviet people and bears the honorable title of citizen of the USSR--the first soviet socialist state in the world. A Soviet man is proud to belong to the land of soviets where the common people are the possessors of great political and (word indistinct) rights. He gladly receives, carefully handles, and honorably bears the Soviet passport. In accordance with the statute on passports, all citizens of the USSR 16 years of age or over who reside in cities, rayon capitals, city-type settlements, or in the border zones must have a passport. Those not possessing this document are permanent residents of rural areas--excluding the above-mentioned places--and military servicemen who carry documents issued by unit commands. Upon departure to other regions of the Soviet Union, residents of rural areas must obtain a passport from militia organs at the place of a residence. Exceptions are made for individuals residing in a particular area for no longer than 30 days and for individuals leaving for sanatoriums, rest homes, conferences, congresses, official trips, and so forth. However, these individuals must obtain the appropriate certificates from the rural soviets to certify their identities and the purposes of their trips.

A passport not only certifies the identity of a citizen, but also provides him with (word indistinct) whereby he can secure employment and can travel and reside in cities and other populated places and areas of the country having a passport system. Agents of the imperialist states (and various?) criminal elements (word indistinct) strive to (word indistinct) the passports of citizens of the USSR in order to (ingratiate themselves with?) Soviet families, to conceal their true faces, and to commit infamous acts. This makes it incumbent upon the Soviet people to constantly increase their vigilance and to strictly preserve state secrets, to safeguard official and personal documents, the main one of which is the passport.

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The overwhelming majority of citizens honestly observe passport regulations and carefully handle their passports. However, some citizens fail to comply, make blots and stains in passports, and sometimes lose them. For example, citizen Ivan Dmitriyevich (Brusov?), a resident of Kyzyl city, on 14 May 1962 submitted an application to the city militia department for the issuance of a new passport to replace the one that he had lost. This is what he wrote: "On 26 March 1962, while intoxicated, I lost my passport. I cannot explain where and how I lost it because I do not remember anything." When he lost his passport, citizen Vladimir Vasilyevich (Guzovskiy?), a resident of Kyzyl city, wrote in his application: "On 1 December 1961 I spent the night with friends. After having some drinks I became intoxicated and do not remember how I lost my passport and military service certificate." Later it was revealed that his passport had fallen into the hands of a rogue (against whom criminal charges have been preferred?).

Identical applications have been received from other residents of Kyzyl city--Viktor Petrovich Zubarev, Nikolay Denisovich (Chenko?), Nikolay Fedorovich Abramov, and others. We do not know where the passports lost by these citizens are or into whose hands they have fallen. In most cases passports are lost by citizens who are intoxicated. Alcohol, in addition to being the cause of most crimes and hooliganism, also causes individuals to lose their sense of personal responsibility and carefulness.

Organs of the MVD know of cases in which criminals, using assumed names and other people's documents, commit crimes and inflict harm on the Soviet people. Every citizen must be aware of this, be vigilant, and safeguard his personal documents, because carelessness causes harm to the state and society. Individuals are categorically prohibited from using passports as a deposit and from transferring them to other citizens. Nevertheless, despite this prohibition, the bailing of passports has occurred at the mechanization school, the musical school, and other establishments.

Under the criminal code, the forging of a passport, residing on another person's passport, and (words indistinct) entail criminal charges. In Ak-Dovurak settlement, a certain Dmitriy Piskunov, who was residing on another person's passport, was arrested and criminal charges were preferred against him. In the course of an investigation,

It was revealed that in March last year Piskunov had bought the passport from criminals who had stolen it from citizen (Zinovyev). Some citizens, unmindful of the consequences, make illegal entries and corrections in their passports. Such action is also subject to criminal charges.

Great attention should be attached to the registration of passports. Citizens staying in a new place for more than three days, those changing places of residence, or those acquiring new passports must within one day present their passports to persons responsible for registration. Individuals arriving in cities, rayon capitals, city-type settlements, or populated places of rural soviet territories which are adjacent to state borders must register with militia organs within three days after their arrival. The registration of citizens is not a mere formality. In this way the population is registered and such registration helps party, soviet, and other organs to control the growth of cities and populated places, which is necessary for supplying them with foodstuffs and manufactured goods and for providing the working people with normal living conditions.

Despite the fact that the overwhelming majority of residents in Kyzyl city and the republic strictly observe passport regulations, some individuals still violate registration regulations. For example, Petr Fedorovich Prokofyev, (name indistinct), and other persons resided in Kyzyl city for a long period without registering. There have also been cases in which citizens have let into their apartments strange persons possessing no documents whatsoever (words indistinct). Administrative responsibility rests not only with the individuals who have no passports or are not registered, but likewise with owners of houses and those responsible for registration. By letting individuals without documents into their apartments, landlords grossly violate the passport regulations and act carelessly, which often costs them a great deal.

For example, in June this year Tatyana Vasilyevna Filatova, who resided on Oktyabrskaya Street in Kyzyl city, let a strange woman without documents into her apartment. This woman stated that she had arrived to join her husband who lived in Kyzyl but could not find him; therefore she needed a place to stay overnight. Filatova let this woman into her apartment. After winning the latter's confidence, at the opportune moment the strange woman collected whatever she could find and disappeared. Later she was caught and the stolen items were returned to the victim. Identical incidents involving theft in apartments also occurred to others.

Therefore, any citizen who lets a stranger into his apartment must check the latter's passport to determine whether its possessor has been checked out from the previous place of residence. Work related to the observance of passport regulations must be conducted by housing managers and custodians and commissioners of rural soviets responsible for registration affairs, as well as by supervisors of enterprises and establishments or other persons in charge of hiring and discharging workers and employees. Enterprises and establishments should employ citizens only after checking the latter's passports and registration visas in the passports. Unfortunately, many supervisors of enterprises and organizations are still failing to observe these requirements properly.

Inspections conducted by militia organs have revealed that some supervisory workers are failing to observe the passport regulations in hiring workers and employees. For example, in 1962 the republican hospital has employed several individuals who were not registered in Kyzyl and (failed to present lists for the registration of cadres?). It should be borne in mind that violation of regulations in hiring workers and employees (by an?) administration (entails?) administrative action for the first offense and discharge in case of repetition.

It is the task of all soviet, economic, and other organs, supervisors of enterprises, establishments and organizations, and the working people to constantly strengthen socialist legislation and Soviet law and order, which is necessary for the successful building of communism in our country.

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QUESTION 2

The files of the Department of State reflect the fact that Oswald first applied for permission to remain in Russia permanently, or at least for a long period, when he arrived in Moscow, and that he obtained permission to remain within one or two months.

A. Is the fact that he obtained permission to stay within this period of time usual?

ANSWER - Our information indicates that a two months waiting period is not unusual. In the case of ██████████ the Supreme Soviet decided within two months to give Soviet citizenship and he was thereafter, of course, permitted to stay.

B. Can you tell us what the normal procedures are under similar circumstances?

ANSWER - It is impossible for us to state any "normal" procedures. The Soviet Government never publicizes the proceedings in these cases or the reasons for its action. Furthermore, it is, of course, extremely unusual for an American citizen to defect.

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QUESTION 3

A. At the time that Lee Harvey Oswald and Marina Oswald left Russia for the United States was it legal and normal under Soviet law and practice for a Russian national married to an American to be able to accompany him back to his homeland?

ANSWER - The Department knows of many marriages in the Soviet Union between American citizens and Soviet citizens. Most of these involved an American citizen husband and a Soviet citizen wife. Such marriages since World War II have mostly involved American newspaper correspondents, American businessmen and tourists, and, in a few instances, employees of the American Government. In practically all of these cases the husband remained in the Soviet Union until his Soviet wife was given permission to accompany him to the United States.

In the immediate post-war period there were about fifteen marriages in which the wife had been waiting for many years for a Soviet exit permit. After the death of Stalin the Soviet Government showed a disposition to settle these cases. In the summer of 1953 permission was given for all of this group of Soviet citizen wives to accompany their American citizen husbands to the United States.

Since this group was given permission to leave the Soviet Union, there have been from time to time marriages in the Soviet Union of American citizens and Soviet citizens. With one exception, it is our understanding that all of the Soviet citizens involved have been given permission to emigrate to the United States after waiting periods which were, in some cases, from three to six months and in others much longer.

B. Was the rapidity with which Lee Harvey Oswald was able to accomplish his return and Marina's return to the United States in any way unusual?

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ANSWER - It does not appear to us that Mrs. Oswald's Soviet exit visa application was acted upon with unusual rapidity. On July 15, 1961 Oswald and his wife applied for Soviet exit visas. On October 4, 1961 Oswald informed the Embassy that he still had not gotten exit visas and requested Ambassador Thompson's intervention on his behalf. He related that there had been continuing attempts to intimidate his wife, apparently with the idea of forcing her to give up her plans to go to the United States. On November 1, 1961 Oswald told the Embassy that he had gone repeatedly to the Minsk officials but still had not been granted exit visas for himself and his wife. In January 1962, practically six months after the date of application (July 15, 1961), Oswald and his wife were granted Soviet exit visas.

It is difficult to generalize on the length of time required for Soviet action in such cases. There is no discernible pattern which we can find in the Soviet Government's handling of exit visa cases. The issuance of such visas is apparently subject to rather arbitrary official action. In some periods it has seemed related to the political climate between the Soviet Union and the foreign spouse's country, although this has not always been the case. In our view, for example, the issuance of exit visas in 1953 to the group of wives of American citizens mentioned above was undoubtedly part of an effort by the Soviet Government to create a favorable atmosphere between our two governments.

In the most recent case of this type a Soviet woman married an American citizen in December 1963 and received an exit visa about two months later. Such marriages cannot take place in the Soviet Union without permission of the Soviet Government. It seems probable that permission to marry in such cases is almost always tantamount to a favorable future decision to grant an exit visa since the American citizen is required to state his intention to bring his Soviet spouse back to the United States.

Since Oswald came to the Soviet Union as a defector, however, he was in a somewhat different situation. It is our judgment that the Soviet Government's granting of permission

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to his wife to leave the country was not considered a routine matter. We do have detailed information concerning another American defector, [redacted]. His case is somewhat different since he actually obtained Soviet citizenship and was not, therefore, classified as "stateless."

[redacted] was an employee of the [redacted] assigned to work as a plastics engineer at the American National Exhibit in Moscow in the summer of 1959. He informed the Embassy on September 30, 1959, that he had decided to stay in the USSR and work. When interviewed in the presence of a Soviet official on October 17, 1959 he said he had applied for Soviet citizenship about July, 1959 and had been notified officially that Soviet citizenship had been granted by Decree of the Supreme Soviet. He received a Soviet internal citizen's passport on September 21, 1959 and the Embassy submitted to the Department a Certificate of Loss of Citizenship covering [redacted] status.

On March 3, 1960 [redacted] informed his father he would like to return home and that he had written to the Embassy about this but had received no reply. [redacted] called at the Embassy on May 4, 1960, and thereafter returned to his residence in Leningrad. He applied for an exit visa on August 5, 1960 and was informed on October 24, 1960 that his application had been refused, but that he could reapply after one year.

On March 9, 1962 the Embassy received a Soviet foreign passport (i.e., Soviet citizen's passport for travel abroad) together with an exit visa for [redacted]. A delay ensued while [redacted] U.S. visa application was being processed. He was in communication with the Embassy by telephone but after the visit on May 4, 1960 he did not visit the Embassy until May 8, 1962, when he came to get his final papers. He told the Embassy during the interview that "he was not left alone" after he had informed his family by letter about his desire to return home. He left the Soviet Union May 15, 1962.

In comparison to Oswald, it took [redacted] a year and nine months to get permission to leave the Soviet Union. His case differs in that he had been granted Soviet citizenship and was employed in an industry, plastics, for which

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his skills were particularly desired by the Soviet authorities. His case was also complicated by the fact that he had deserted his American wife and two children to live with a divorced Soviet woman who bore his child before his return to the U.S.

C. If possible we would appreciate a memorandum from you on the normal Soviet procedures in similar cases and the usual time periods involved, covering both emigration from Russia to the United States and emigration from Russia generally.

ANSWER - The Soviet Government is generally opposed to emigration of its citizens to foreign countries. Apparently the Soviet Government gives consideration to granting exit permits for the purpose of emigration to the United States only when the applicants wish to join members of their family.

For many years it has been extremely difficult for Soviet citizens to obtain permission to leave the Soviet Union to join relatives in the United States. In the 1930's a few such cases received favorable consideration, but it was only in the latter part of 1959 that the Soviet Union began issuing a number of exit visas in such cases. Since 1959 approximately 800 Soviet relatives of American citizens have received exit visas. This number, of course, is quite small compared to the number of those Soviet citizens who wish to come to the United States to join their relatives here.

Those who have been successful in obtaining exit visas were usually subjected to long delays before any action was taken on their applications, unlike those cases of American citizens who marry Soviet citizens while temporarily residing in the USSR.

In regard to emigration from Russia to other countries, we know that Soviet exit visas have been issued to persons desiring to join relatives in France, England, and other European countries, but we have very little information concerning the details of such emigration.

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QUESTION 4

The Soviet Government issued Lee Harvey Oswald a passport which described him as being without citizenship, and he was issued a Soviet visa on a temporary, year-to-year basis. Were these procedures customary at the time Oswald was in Russia?

ANSWER - It is not possible for us to judge whether or not these procedures were "customary." Decisions in this area seem to be made without any discernible pattern. As was indicated above, non-Soviet citizens apparently receive either a "stateless" internal passport or an internal passport for foreigners. Oswald held both documents at different times.

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