

State Dept. Looks for an 'Out'

BY ROBERT S. ALLEN and PAUL SCOTT WA 3/30

The State Department is "washing its hands" of blame in clearing the way for accused presidential assassin Lee Harvey Oswald to return to the United States.

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High-ranking authorities, including Asst. Secretary Frederick Dutton, Abba Schwartz, administrator of the Bureau of Security & Consular Affairs, and Abram Chayes, a legal adviser, are launching a high-powered backstage campaign to clear the State Department of any mishandling of the Oswald case.

They are sending letters and privately briefing members of Congress, the press, and the special Warren Commission probing the assassination of President Kennedy to back up their claim that the department had no other course in handling Oswald's request than to permit the Marxist defector to return.

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In a letter to Sen. John Tower (R-Tex.) Dutton flatly contends the State Department had no legal weapon to bar Oswald's return, stating:

"The question whether an individual has lost his U.S. citizenship must be determined in accordance with the Immigration & Nationality Act of 1952.

"For example, a person desiring to renounce his U.S. citizenship under section 349 (a) (6) of the Act must make a formal re-

nouncement of nationality before a diplomatic or consular officer of the U.S. abroad in the form prescribed by the secretary of state.

"Lee Harvey Oswald did not renounce his nationality in accordance with provisions of this section, and therefore did not lose his U.S. citizenship under these provisions."

Despite this flat State Department denial, its own records show that Oswald appeared at the American embassy in Moscow following his defection in 1959, and announced that he meant to become a Soviet citizen, swearing in an affidavit that "I affirm that my allegiance is to the Soviet Socialist Republic."

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Under the State Department's interpretation, Oswald technically did not renounce his U.S. citizenship since he failed to sign the document in the presence of the consular officer, as required by the 1952 Immigration Act.

Dutton also revealed that any one of the more than 200 U.S. defectors now living behind the Iron Curtain or in Cuba could demand passports at any time and return to the U.S. as long as they haven't formally renounced their citizenship.

He stressed that under the State Department's interpretation of the law, "In the event an individual has not performed an

expatriative act, his U.S. citizenship and his entrance into this country cannot be denied."

"In addition," he revealed, "such an individual may receive a U.S. passport after complying with Department of State regulations and procedures required of applicants for U.S. passports."

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In other words, the gate is wide open for the return of as many Oswalds as want to come back to the U.S., regardless of whatever type of sinister training, brainwashing or Communist indoctrination they might receive while behind the Iron Curtain.

Significantly, neither Chayes nor Schwartz, both involved in the granting of passports to Oswald, has touched on this dangerous situation in their private briefings.

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In reply to questions, they have admitted the State Department has not sent any recommendations to Congress to plug this "loophole." Neither official, although both are involved in the administration of passports and immigration waivers, has asked that the law be changed.

Since the assassination of President Kennedy, Chayes and Schwartz have supported proposals "relaxing" the immigration bars covering defectors even further.