

MEMORANDUM

February 28, 1964

TO: J. Lee Rankin

FROM: William T. Coleman, Jr.  
W. David Slawson

SUBJECT: Oswald's Foreign Activities; Oswald's Contacts with  
The Immigration and Naturalization Service (INS)

INS sent us their complete file on Lee Harvey Oswald and Marina Oswald and this file now bears Commission No. 364. Each page in the file has been numbered, from 1 to 112, and references to documents in the file will ordinarily be by these numbers. Some of the documents in the file are either illegible or almost illegible and we should of course obtain clear copies if they are available. On February 27, I spoke to the secretary of Mr. Herbert J. Miller, Jr., Mrs. Miriam Santos, and she promised to get me clearer copies on those (few) documents for which clearer copies were available.

A copy of a letter to the Honorable Earl Warren from Nicholas deR. Katzenbach, dated January 27, 1964, is attached to this memorandum. It sets forth who at the Justice Department we are to deal with on INS matters.

When Lee Harvey Oswald returned to the United States he did so on the basis of being a natural-born American citizen and one who had not expatriated himself. He came in

under a passport marked good only for travel direct to the United States. The INS therefore had very little to do with his entry. Marina Oswald, on the other hand, entered as a nonquota immigrant on the basis of being a wife of an American citizen. Her admission into the country involved a substantial number of contacts with the INS.

Marina carries "Alien Registration Number"

A12 530 C45. Almost all of the documents in her file refer to this number.

1. "Correspondence Control Card" (112) - It is not at all clear what this card is. I spoke to the secretary of Mr. Miller and questioned her on this but she could give me no help. The Mr. Miller referred to herein is the one identified in the attached letter from Nicholas deB. Katzenbach to the Honorable Earl Warren, dated January 27, 1964.

2. Foreign Service Despatch No. 29, from the American Embassy, Moscow, dated July 11, 1961, was received by someone on July 19, 1961. This despatch was signed by Boris H. Klosson, Counselor for Political Affairs, American Embassy in Moscow. Mr. Klosson summarizes the interview that R. E. Snyder had with Lee Harvey Oswald in the Moscow Embassy on July 8 in connection with Oswald's attempt to return to the United States with Marina. (94-97) This despatch asks for

action by the Department of State of Oswald's application for renewal of his passport. It is not clear how this despatch got into the INS file; however, a much later memorandum dated January 16, 1962, from the Washington Passport Office to the Dallas INS Office (67-70) refers to this despatch as an enclosure. (See page 70.) The despatch also refers to two enclosures, (1) a questionnaire pertaining to possible expatriating acts executed by Oswald on July 10, 1961, and (2) an application for renewal of passport executed by Oswald on that same date. Neither enclosure is found in this file.

3. Letter from Charles G. Sommer, Assistant Director, Visa Office, Department of State, Washington, to Mr. Gordon L. Cornell, District Director, INS, Dallas, dated October 6, 1961. (92-93) This letter transmits Marina's marriage certificate, a check for \$10.00 from her ex Lee Harvey Oswald, it is not clear, and a "Form I-130," which is a "Petition to Classify Status of Alien for Issuance of Immigrant Visa." The petition is signed by Lee Harvey Oswald and is on behalf of Marina, asking that she be classified in "the status of the alien beneficiary for issuance of an immigrant visa as ... the spouse of a United States citizen." (90-91) The check has presumably been cashed, and the marriage certificate is not enclosed. The cover letter

transmitting these three documents (92-93) states that Marina, after an investigation, has been found by the Department of State to be "not ineligible" to receive a visa and asks that the INS also approve the petition and then return it to the Department of State in Washington for transmittal to the American Embassy in Moscow.

4. This appears to be an intra-office memorandum to "Investigation Division" from "Bryan W. - Painter" dated October 10, 1961, attaching the aforementioned petition, asking that a field investigation be undertaken. (89)

5. "Report of Investigation" by E.W. Thurmer, Investigator, Dallas INS Office, dated January 25, 1962. (84-88) The report is marked "Reviewed and Approved" by L.A. Mack, also of the Dallas INS office. Although dated in January 1962 the Report recites that the investigation was conducted on October 17, 1961. This is quite clearly the report of the investigation to decide whether the INS will grant Oswald's petition previously mentioned. The synopsis on the first page of the report states that the object of investigation was to secure evidence upon which to base a decision regarding waiver of sanctions imposed under Section 243(g) of the Immigration and Nationality Act. The Report

itself comes to no conclusion, merely setting out data. The investigation conducted from the Dallas office found nothing derogatory about Lee Harvey or Marina. The only derogatory information contained in the report is that obtained from the Department of State dating back to 1959 when Oswald entered Russia and made anti-American statements and tried to expatriate himself, contained in the memorandum dated January 16, 1962, discussed below (67-70), that obtained from an FBI Report dated July 3, 1961 (101-111), and that obtained from a reply from the Office of Naval Intelligence setting forth Oswald's dishonorable discharge and the fact that he had tried to expatriate himself. The latter document is referred to on page 87 is probably the document reproduced on page 78.

6. Carbon copy of a form letter to the FBI from Dallas INS signed by L. A. Mack, asking for a record check on Lee Harvey Oswald, dated October 19, 1961. (82)

7. "Request For Record Check" dated October 25, 1961 from L. A. Mack, at Dallas INS to "Record Searcher," New Orleans, Louisiana, asking for the birth certificate of Lee Harvey Oswald. (81)

8. "Investigations Control Card" dated October 11, 1961 (80). It is not clear what this card is but it is

attached to the "Request For Record Check" previously mentioned and I would therefore guess that it is an intra-office control card for forwarding a carbon copy of the Request For Record Check to the proper person or to the proper place in the files within the jurisdiction of the Dallas, Texas office.

9. This appears to be a form used by the INS for requesting routine record checks on persons being investigated. (79) This particular copy is marked No. 4 and seems to be the last carbon in a set. In the lower left-hand corner is a space for checking the distribution of other carbons and the original. The distribution pattern here checked is to the FBI Identification Office, the FBI Domestic Intelligence Division, the CIA, the United States Navy, and the Marine Corps. This file copy is dated December 5, 1961.

10. This is a request addressed to the United States Marine Corps for information on Lee Harvey Oswald, dated December 5, 1961. (77) The reverse side of this form shows the reply from the Marine Corps, dated December 18, 1961 and reciting that Lee Harvey Oswald was given an undesirable discharge from the Marine Corps Reserve on 17 August 1960, that in connection with his renunciation of citizenship in 1959 he

had offered to furnish the Soviets with information he possessed as a radar operator, and referring to UPI dispatches from Moscow and a newspaper report by Priscilla Johnson concerning Oswald. (78)

11. Request to the FBI, Domestic Intelligence Division, dated December 5, 1961 for information on Lee Harvey Oswald. (76) The request seems to have been filled in on its face with the reply information. The reply refers to an attached memo and suggests that CIA and State Department may have further information concerning subject. Handwriting notation on the lower right hand corner says "Report same as already received," and is followed with some illegible initials. This probably means that the FBI simply sent the memorandum by Special Agent Fain dated July 3, 1961 and that the INS office already had Fain's report. (98-111)

12. Request for information on Lee Harvey Oswald addressed to FBI, Identification Division, dated December 5, 1961. (75) No reply appears to be connected to or written on this report. However, the document in this file numbered 72, which gives Lee Harvey Oswald's FBI file number, is probably the reply that came in response to this request.

13. Request to the CIA for information on

Lee Harvey Oswald dated December 5, 1961. (71) The CIA's reply, attached to this document and dated 13 December 1961 (73), merely refers the INS to the Department of State for possible information pertaining to Oswald.

14. Reply from the FBI dated December 13, 1961 giving Oswald's FBI identification number. (72) See paragraph 12 of this memorandum. This document also refers to fingerprints although it does not attach any fingerprints.

15. Letter dated December 19, 1961, from L. A. Mack, Dallas INS, to Director, Passport Office, Department of State, Washington, D. C. (71) This letter asks the addressee for a file check on Lee Harvey Oswald for use in adjudicating his visa petition on behalf of Marina.

16. Memorandum to Assistant District Director for Investigations, Washington, D. C., from Samuel H. Reichman, Investigator, Washington, D. C., dated January 16, 1962, but noted on last page to be sent to "Officer-in-Charge," Dallas, Texas, and to be from "E. A. Junghans, Assistant District Director for Investigations, Washington, D. C." (67-70) "Officer-in-Charge," Dallas, is obviously L. A. Mack, who often uses this title. This memorandum comes to no conclusion but sets out information on Oswald from the Washington Passport



Office files. This memorandum is clearly the reply to the letter described in paragraph 15, supra. This memorandum is a summary of the Passport Office's files on Oswald as of January 16, 1962, including some direct quotes from file memoranda and correspondence. It could be valuable as a check on whether we have been given the entire Oswald file by the Passport Office.

17. Affidavit of support dated January 19, 1962 (apparently but the affidavit is partially illegible) signed by Lee Harvey Oswald, written by him in Minsk. (65-66) This is of interest only in that it appears neat, logical and without misspellings.

18. Next come four telegrams back and forth between what appears to be the Washington and Dallas INS offices. (61-64) It seems that Washington is trying to hurry up Dallas on the processing of Marina Oswald. These four telegrams are as follows:

a. Somebody in Washington telegrams to the INS office in Dallas asking that the status of the Lee Harvey Oswald petition on behalf of Marina, which petition was forwarded to the Dallas INS by the Department of State on October 6, 1961, be reported. This telegram is dated

January 23, 1962. (61)

b. On the same day, January 23, 1962, L. A. Mack, of the Dallas INS Office, replies to the foregoing telegram to the effect that the investigation on Lee Harvey Oswald has been completed and a report thereon is being prepared and that his office will act on the petition when the report has been received from its investigations division. (63)

c. Washington again telegrams the Dallas INS Office on behalf of the Marina petition. This telegram is dated February 7, 1962. The telegram states, "If petition still pending advise when final action taken." (62) This particular copy of the telegram has many file markings on it, with dates, but they are all practically illegible. This is one of the documents for which I requested a clearer copy.

d. L. A. Mack of the Dallas INS Office sent a telegram on February 7, 1962, apparently in answer to the foregoing telegram, addressed both to the INS Washington office and to the INS office in San Antonio. It is difficult to figure out what Mack is saying in this telegram but it seems to be that the reason for the delay is that the Lee Harvey Oswald file is "on loan to SNA 1-26-62." There then

follows something in what is probably an office code but which is also partially illegible. I am trying to get a clearer copy of this document. (61)

19. Memorandum from L. A. Wack, Officer-in-Charge, INS, Dallas, Texas, to District Director of INS San Antonio, Texas, dated January 26, 1962. (50). This memorandum forwards the files of both Marina and Lee Harvey Oswald for consideration as to whether sanctions under Section 243(g) should be waived. The memorandum states that the petition has been endorsed "approved" by the Immigrant Inspector who processed the case. However, the writer of the memorandum states that he does not concur with the decision to approve and therefore over-rules it. He briefly sets forth his reasons for denying waiver. These are:

"CI 205.3, as you know, provides that the District Director may waive sanctions in an individual meritorious case for a beneficiary of a petition filed by a reputable relative where no substantial derogatory security information is developed. I am of the opinion that both of these restrictions are present in this case."

The petition referred to by this memorandum is certainly the one contained in the file on pages 90-91. The upper part of the first page of the petition shows that it was apparently stamped approved at one time and there is a

portion under "remarks," now X'd out with a typewriter, which used to read, "beneficiary granted waiver of sanctions imposed under Section 243(g) of the Act."

This report carries a date of January 26, some twelve (12) days earlier than the last telegram from Washington asking for action on this report. It does not appear from this file why the report was not sent to Washington earlier.

20. Memorandum in the matter of Marina N. Oswald, from J. W. Holland, District Director, dated January 30, 1962. This memorandum, made on the District level in San Antonio, affirms the decision of the Dallas IRS Office that the sanctions imposed under Section 243(g) not be waived and that Lee Harvey Oswald's petition on behalf of Marina therefore be denied. This memorandum also states its reasons and these are basically that Oswald's recent statements to the American Embassy in Moscow to the effect that he has learned his lesson and his more recent attitude of humility are not sufficient to relieve the doubts which were raised regarding his loyalty to the United States by his first, arrogant anti-American statements made when he entered Russia in 1959. (3 copies, 54-55, 56-57, 58-59.)

21. Office memorandum from J. W. Holland, San Antonio

INS Office, to Deputy Associate Commissioner, Travel Control, Central Office, Washington, dated January 31, 1962, transmitting Marina's petition and the aforementioned memoranda and reports. (52-53)

22. Telegram from Holland at the San Antonio INS Office to Commissioner, INS Washington dated February 8, 1962. (51) This telegram states that the petition on Marina and related file has been forwarded to "COEXM" on February 1, 1962 with a recommendation that the sanctions not be waived and the petition be denied.

23. Telegram from "Mack" at Dallas, Texas to central office, Washington, D. C. and to San Antonio dated February 7, 1962. (50) This is the same telegram as was sent on this same date and described in paragraph 19 (d) of this memorandum.

24. This appears to be a copy of the same telegram again. (49)

25. Telegram from the San Antonio INS Office to the Washington INS Office dated February 8, 1962. (48) This telegram states that the Marina Oswald petition and covering file were forwarded to "COEXM" on February 1, 1962 with recommendation that the sanctions not be waived and petition be denied. This telegram also has a handwritten note on the

lower portion which reads as follows:

"2/12/52 / J. Crump, 10 / called  
re case. / Political desk of  
opinion, / we're better off with /  
subject in U.S. rather / than in  
Russia. / W.M.L."

I do not know who "W.M.L." is. The stamp on the copy of the document in our files indicates that "W.M.L." would be someone in the office which received, rather than sent, the telegram, and the receiving place is "JENS WA" i.e., Immigration and Naturalization Service in Washington. Nor do I have any other identification of the person referred to as "J. Crump."

26. Memorandum to District Director, San Antonio, Texas, from Assistant Commissioner, Examinations Central Office, dated February 23, 1962. (46-47) This memorandum from Washington to San Antonio concurs in the San Antonio office's action denying waiver of Section 243(g) in the case of Marina Oswald. However, Washington office here points out that the correct disposition would have been not to deny the petition but to grant petition but indorse it to read, "waiver of sanction imposed under Section 243(g) of the Act is not authorized." This memorandum does not go into the point but from my own legal research and from the Department of State memorandum on the legal effect of Section 243(g) I believe that what is referred to here is the fact that Section 243(g)

does not operate to bar the entry of an alien into the United States. Rather, it operates to bar the issuance of a visa to that alien from any American Embassy in one of the countries concerned. That is, it does not prevent the particular alien from going to a country not currently under interdiction pursuant to Section 243(g) and there obtaining his visa to enter the United States if he is otherwise qualified. Therefore, this memorandum is probably correct in that Lee Harvey Oswald's petition on behalf of Marina Oswald was apparently valid, but because Section 243(g) was not waived in her case she could not obtain her visa through the American Embassy in Moscow.

27. Two letters both dated February 28, 1962 from J. W. Holland, District Director of IES in <sup>San Antonio</sup> Dallas. (41-43) One letter is to Mr. Charles G. Sommer in the State Department at Washington and the other is to the American Embassy in Moscow. Both state that although the petition on behalf of Marina has been approved, the sanctions under Section 243(g) have not been waived. Also included is a "Notice of Approval of Visa Petition" dated February 28, 1962 addressed to Lee Harvey Oswald from the aforesaid J. W. Holland (40)

28. Letter from Michael Cieplinski, Acting Administrator, Department of State, Washington, D. C., to

Raymond E. Farrell, Commissioner of Immigration and Naturalization, Department of Justice, dated March 27, 1962. (38-39 and 44-45) Mr. Cieplinski here asks Mr. Farrell to reconsider the denial of waiver under Section 243(g). The pertinent portions of the letter read 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 is 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 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."

29. Mr. Robert H. Robinson, Deputy Associate Commissioner, Travel Control (apparently of INS) responds to Mr. Cieplinski's letter of March 27, 1962 in a letter dated May 9, 1962. (37) He states that the INS has reconsidered



and ~~has~~ agrees to waive the sanctions of Section 243(g).

The pertinent part of this letter is as follows:

"... 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 representation made in your letter of March 27, 1962, you are hereby advised that sanctions imposed pursuant to Section 243(g) of the Immigration and Nationality Act are hereby waived in behalf of Mrs. Oswald."

30. Certificate by John F. Matlock, American Consul, American Embassy, Moscow, dated 23 May 1962 to the effect that certain documents ordinarily required to be furnished by an applicant for immigration are not available in the case of Marina. (36)

31. A document dated May 24, 1962 at American Embassy, Moscow and signed by John F. Matlock, American Consul, simply states that according to a telegraphic notification from the Department of State received on May 9, 1962, the sanctions imposed by Section 243(g) of the Immigration and Nationality Act have been waived in the case of Marina. (35)

32. "Medical Examination of Visa Applicants" dated

May 24, 1962 at the American Embassy, Moscow, concerning Marina. (34)

33. Application for Immigrant Visa and Alien Registration. (29-33) This document is written in both Russian and English and is signed by Marina. It contains answers to various questions such as place of birth, whether she has ever been a ward of the state, etc. It is dated May 24, 1962.

34. Fingerprint records of Marina. (26-28)

35. Letter from Lee H. Oswald at Fort Worth to Dallas INS Office, undated, asking that his daughter's birth certificate be returned to him. (25)

36. Letter from Lee H. Oswald at Fort Worth to Dallas INS Office, undated, asking questions about a "certificate of citizenship" he received for his daughter. (24)

37. Letter from Lee Oswald to San Antonio INS, undated, asking for his daughter's birth certificate. (23)

38. Pages 19 through 22 contain a Russian language document which has not been translated, at least in this file. It does not appear to be important. Page 23 is apparently the

English-language "certificate of acknowledgement" of the foregoing.

39. Affidavit of support for Marina dated March 13, 1962 by Byron Phillips of Wilbarger County, Texas (17)

40. June Lee Oswald's birth certificate. (16)

41. Letter to Lee H. Oswald from E. W. Thurman of the Dallas INS Office, dated July 3, 1962, in regard to June Lee's birth certificate and her certificate of citizenship. (14)

42. Letter to Marina from (?) dated July 13, 1962 re June Lee's certificate of citizenship. (13)

43. Immigrant Visa and Alien Registration No. I-1229544, issued to Marina apparently as soon as she arrived in the United States on the S.S. Massdam on June 13, 1962, states that she is traveling under Soviet Passport No. KU-37790 issued on January 11, 1962 and expiring on January 11, 1964 and that she is entering the United States on Immigration Visa No. 52 issued on May 24, 1962 and expiring on September 23, 1962 (15)

44. Pages 11 and 12 are apparently a document which gives certain descriptive data about Marina such as her date of

birth, color of hair, weight, etc., and her fingerprints.

It is marked, "O.K. 4 to FBI-1/21/61."

45. Pages 9-10 are a document filed by Martin to get a new alien registration receipt card on the grounds that she had lost her previous one while shopping. It carries a date of June 25, 1963.

46. The remaining documents in the file pertain to actions taken after the assassination of the President in connection with furnishing data and copies of file information to interested agencies such as the FBI.

Attachment

12/1984

Honorable Earl Warren  
Chairman, Special Commission  
255 Maryland Avenue, N. E.  
Washington, D. C.

Dear Mr. Chief Justice:

In accordance with your letter of January 10, 1964, two copies of the file of the Immigration and Naturalization Service pertaining to the wife of Lee Harvey Oswald have been transmitted to Mr. Rankin.

I can assure you that any relevant material which comes to the attention of the Department of Justice will be transmitted promptly to Mr. Rankin. It is my understanding that such information as is now in the Department files relating either to Lee Harvey Oswald or Jack L. Ruby has been made available or is in the process of being made available to the Commission.

In response to your further request, I suggest that your Commission regard Mr. Robert J. Miller, Jr., Assistant Attorney General in charge of the Criminal Division, as the Department's liaison with the Commission. Mr. Miller and his staff will be happy to be of any assistance which we can render to the Commission in the discharge of its responsibilities.

Sincerely,

Nicholas deB. Katzenbach  
Deputy Attorney General