

The unusual history of a singular relationship between a citizen and the State Department began when Lee Harvey Oswald, aged 19 and just released from the Marine Corps, appeared without warning at the American Embassy in Moscow at the end of October 1959. He handed to Consul Richard E. Snyder his passport and a written statement to the effect that he wished to renounce his U.S. citizenship and that he affirmed his allegiance to the Soviet Union. He informed Snyder that his application for Soviet citizenship was pending before the Presidium and that he had offered Soviet authorities all information on radar operation that he had acquired in the Marine Corps.

Snyder told Oswald that he would have to return to the Embassy on a regular working day to complete the formal act of renunciation. A few days later Oswald sent an angry letter to the Embassy, protesting the frustration of his act of renunciation and reiterating his wish to dissolve his U.S. citizenship. He did not reappear in person to carry out the necessary formalities.

Early in January 1960 Oswald was sent to Minsk. He had been issued a Soviet identification document designating him as a stateless person ("without citizenship").

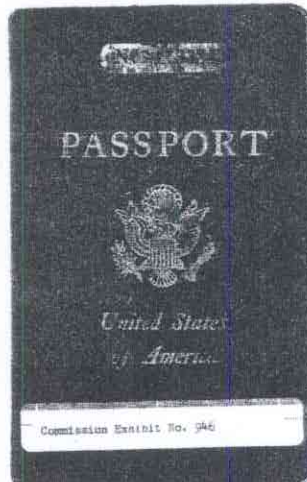
After little more than a year at Minsk, Oswald wrote to the embassy in February 1961, indicating that he had become disillusioned and now wished to return to the U.S., provided that he received guarantees against prosecution under any circumstances on repatriation.

While his request was under consideration

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This contribution is part of a chapter from a book-length manuscript on the assassination.

Under the procedures in effect in 1960 a "refusal sheet" was prepared in the State Department Passport Office whenever circumstances created the possibility that a prospective applicant would not be entitled to receive an American passport. On the basis of the refusal sheet, the records section would prepare a "lookout card" and file it in the lookout file. Whenever anyone applied for a passport from any city in the world, his application was checked against the lookout file. If a lookout card for the applicant was found, appropriate action, including the possible refusal of a passport, was taken. (WR 750).



by the State Department, Oswald met and in April 1961 married Marina Nikolaevna Prusakova. He notified the embassy of his marriage and of his wife's wish to accompany him to the U.S., requesting that the necessary procedures for her entry be set into motion.

The embassy, after interviewing the Oswalds in Moscow in July 1961, recommended that the State Department make a determination that Oswald had not expatriated himself and that Marina Oswald's application for a visa to enter the U.S. should be approved.

The State Department ultimately adjudicated Oswald's legal status and determined that he had not expatriated himself. The Department also took action to approve Marina Oswald's papers, placing strong pressure on the Immigration and Naturalization Service (INS) to reconsider its denial of waiver. As a result of representations by the State Department, INS eventually agreed to waive certain restrictions against Marina Oswald's admittance.

When Oswald came to the embassy in July 1961, he told Consul Snyder that he had learned his lesson and was a loyal American; he said that he had never given classified information to the Russians, as he had said he would; the Russians had not

questioned him or asked him for such information and he doubted if he would have complied if they had.

Marina Oswald, for her part, told the embassy that she had never been a member of Komsomol, membership in which might have disqualified her from receiving a visa. Her denial was later found to be a lie.

At the end of 1961 the Oswalds received exit visas from the Soviet authorities, permitting them to leave the USSR. Oswald now told the embassy that he needed financial assistance for his and his wife's (and later their infant daughter's) travel to the U.S. After futile attempts by Oswald to obtain the needed funds from private sources in the U.S., the State Department authorized the embassy to make a loan to Oswald. He signed a promissory note for \$485 in June 1962; his passport was returned to him, renewed for 30 days and good only for travel to the U.S. The Oswalds departed the Soviet Union en route to Fort Worth, Texas.

One year later, Oswald applied for a new passport at the New Orleans passport office. His application was dated June 24, 1963. His new passport was granted 24 hours later, on June 25, 1963.

The Warren Commission reviewed the transactions between the State Department and Oswald from September 1959 to November 1963 and concluded that the decisions taken by the Department were innocent and proper. The Oswalds were treated just like anyone else (WR 746).

A review of the testimony and the documents suggests that the Commission's inquiry was incomplete and at times uncritical, and that its conclusions are highly questionable, if not nonsensical. There is a consistent pattern of unusual favorable treatment of Oswald by the State Department. Decision after Department decision on Oswald—a defector and would-be expatriate, self-declared enemy of his native country, self-proclaimed discloser of classified military information, and later self-appointed propagandist for Fidel Castro—removed every obstacle on his path from Minsk to Dallas.

The Department's extraordinary and unorthodox decisions on Oswald and the decisions taken by other U.S. official agencies fall into several general categories: (1) repeated failure to prepare a "lookout card" to check Oswald's movement outside the U.S.; (2) renewal of Oswald's passport de-

spite cause for negative action: (3) apparent inaction and indifference to Oswald's possible disclosure of classified military data; and (4) pressure exerted on behalf of Marina Oswald's entry into the U.S. (In referring to measures taken by the State Department and other U.S. agencies as "unusual" or "extraordinary," we speak in the context of Cold War policies and practices, without in any way endorsing the restrictive and punitive actions taken against Americans who held unpopular views, but which repeatedly were waived for Oswald's benefit and convenience.)

We will now try to show, by dealing with specific instances, that the record of Oswald's transactions with the State Department is stuffed with anomalies, ambiguities, lacunae, and the plainly preposterous.

Times Confused and Lost

At the outset, there is some uncertainty about the exact date of Oswald's first contact with the Moscow embassy. Indeed, there is some uncertainty also about his movements immediately before he entered the Soviet Union, via Helsinki, Finland. According to a CIA report, Oswald arrived in Helsinki on October 10, 1959, and remained there until October 15 (CE 2676). The same CIA report indicates that there was no flight leaving London on October 10 that would have arrived at Helsinki in time for Oswald to register at the hotel—as he did—before midnight that day.

The Commission solved the problem by stating arbitrarily that Oswald left London on October 9, 1959 (WR 690), untroubled by the fact that Oswald's passport contains a stamp of the immigration officer, London Airport, and the words "Embarked 10 Oct 1959" (CE 946, page 7). That is typical of the repeated perversion of simple fact in the Warren Report, in the face of contradictory evidence in the accompanying exhibits.

In any case, according to the Warren Report, Oswald appeared at the embassy on Saturday, October 31, 1959, some two weeks after he entered the Soviet Union (WR 747). But a cablegram sent by the naval attache at the embassy to the Navy Department at Washington refers to a previous embassy despatch dated "26 October" dealing with Oswald's renunciation of U.S. citizenship and his declared intention of furnishing Soviet authorities with information on U.S. radar operation (CE 917).

Curiously enough, Consul Richard E. Snyder sent a confidential letter on October 28, 1959—ostensibly three days before Oswald's first visit to the embassy—to Gene Boster at the State Department in Washington, in which he requested advice on how to handle an attempted renunciation of American citizenship (CE 914). Snyder testified that the letter "wasn't directed at any particular case" (5H 271); indeed, if Oswald first contacted the embassy on October 31st, he could not have inspired Snyder's request for advice. Snyder also testified that he had encountered only one case of renunciation of citizenship prior to Oswald's appearance; but that case was already resolved when Snyder wrote his letter of the 28th (5H 279).

If Oswald really came to the embassy

earlier than October 31st, Snyder's confidential letter to Boster would take on a different hue—as would his effort to discourage or delay Oswald's act of renunciation.

Another ambiguity and perhaps a much more serious one involves Oswald's whereabouts for a period of some six weeks after his visit to the embassy at the end of October 1959 and before his departure for Minsk early in January 1960. According to the Report, Oswald was interviewed at the Hotel Metropole in Moscow by news correspondent Priscilla Johnson on November 16, 1959 and "for the rest of the year, Oswald seldom left his hotel room" (WR 696). The Report indicates elsewhere (WR 750) that the embassy notified the State Department at the end of November 1959 that "Oswald had departed from the Hotel Metropole within the last few days" for an unknown destination (CE 921); but the Commission says that Oswald "probably" did not in fact leave Moscow for Minsk until about January 4, 1960, basing itself on Oswald's diary and on "other records available to the Commission" (WR 750).

But the diary has a single entry dated "Nov 17-Dec 30" rather than daily entries for those six weeks. Apparently Oswald had found time before November 17th to write daily entries, although he was busy with official interviews and sightseeing during that period, but no longer found time to record his meals or his emotions daily during a six-week period of being holed up in his hotel room.

The "other records" to which the Commission refers as providing evidence for Oswald's presence in Moscow until about January 4, 1960 consist of documents from the USSR file on Oswald (CE 985). Those documents merely establish his presence on December 29, 1959 and on January 4 and 5, 1960.

Six weeks of Oswald's life (November 16 to December 29, 1959) therefore remain unaccounted for and wrapped in mystery; and that has been completely glossed over in the Report.

The Cards Would Not Look Out

The peculiar business of the lookout cards which were never prepared brings us closer to the heart of the matter. Oswald's attempt to renounce his citizenship at the end of October 1959 provided the State Department with reasonable grounds for preparing a lookout card, as the Department later acknowledged (WR 751). The card was not prepared, apparently as the result of the exercise of discretion by the responsible officers of the Department. No explanation is offered in the Report.

On two subsequent occasions, however, the preparation of a lookout card was mandatory rather than discretionary, but no card was prepared either time. The first instance was in March 1960. The embassy had lost all contact with Oswald and it was not known whether or not he had expatriated himself by an act of allegiance to the Soviet Union. Because Oswald's status was in doubt, an official of the Passport office in the State Department (Bernice Waterman) made up a "refusal sheet" for Oswald on

March 25, 1960 (CE 929). The automatic consequence should have been the preparation and filing of a lookout card, so that the Department would be alerted in the event that Oswald applied for documentation at a location other than the embassy at Moscow, where he was known. Yet no lookout card was ever "prepared, modified, or removed from the file" according to the Report (WR 751). The reason for the failure has not been determined; the Report merely cites conjectures by the Passport Office that there may have been a clerical error or misunderstanding.

The second occasion for the mandatory and automatic preparation of a lookout card was in June 1962, as a consequence of the advance of \$435 to Oswald for his travel to the U.S. As mentioned earlier, the State Department made that loan after the failure of Oswald's attempts to obtain the needed funds from private sources in the U.S. One of those attempts to secure financial assistance has such peculiar and mysterious features that we will digress for a moment from the subject of lookout cards in order to take a look at the puzzle.

One of the agencies to which Oswald had appealed for a grant or loan of money to meet the costs of his repatriation was the International Rescue Committee, Inc., which describes itself as a "strongly anti-Communist organization" (CE 2766). The Committee's program director informed the Warren Commission, in a letter dated May 1, 1964, that the Committee first heard of Oswald in a telephone call from the State Department recommending that assistance should be given Oswald. The letter continues:

A few days later we received a letter from Mrs. Harwell of the Wilberger County Chapter, Vernon, Texas (Red Cross), dated January 14, 1962, to which, to the best of my recollection were attached copies of a letter written by Consul Norbury, American Embassy, Moscow, to Lee Harvey Oswald, dated December 14, 1961, and of a letter addressed to the International Rescue Committee, dated January 13, 1961 (sic), and ostensibly written by Oswald. . . . To a layman's eye it would appear that both copies were typed on the same typewriter. I do not know who added the handwritten words, "Mrs. Helen Harwell, Executive Secretary, American Red Cross," to the Norbury copy. What is most puzzling, is that the letter from Oswald, dated January 13th, could have reached the United States by January 14th, and that it reached us via Texas. . . . On or about February 5, 1962 we did receive a handwritten letter directly from Oswald, dated January 26th, which makes no reference to a previous communication his. . . . (CE 2766) (Italics added.)

None of the persons who might have thrown light on this astonishing business were questioned about it by the Commission or its servant-agencies, the FBI or others. Was it possible that the embassy and the State Department, in their ardor to repatriate Oswald, had gone so far as to write letters in his name? The Warren Report tacitly, and probably inadvertently, seems to acknowledge the fraudulent nature of the January 13th letter supposedly written by Oswald; it states that "between February 6, 1962 and May 1, 1962, Oswald attempted to secure a loan from the Red Cross and the International Rescue Committee" (WR 770).

But it was the State Department, not the

Red Cross or similar agencies, which played "humanitarian" and advanced a substantial sum of money to Oswald. An automatic and mandatory consequence of the loan made to him in June 1962 was the preparation of a lookout card. Lookout cards are prepared routinely in such cases, as protection against default by the borrower, who is not entitled to travel abroad until he has made full repayment.

Again, no lookout card for Oswald was prepared! (WR 772); and again, the Commission failed to establish the explicit responsibility for the violation of the rules. The Report merely cites a State Department memorandum which is filled with conjectures about possible administrative or clerical errors which may have produced this second lapse from mandatory procedure (WR 772).

Who Said the State Department Is Restrictive!

The average man may be nonplussed by the State Department's perfect record of oversight and error with respect to lookout cards for Oswald, but the Commission takes it in stride. It presents a deadpan account, without editorializing, which is really only a paraphrase of the testimony of the spokesmen for the Department. By way of mitigation of what was rather shocking carelessness and unreliability at best, the Commission points out that even if the lookout cards had been prepared, everything would have happened just the way it did.

The lookout card that should have been prepared in March 1960 (but was not) would have been removed from the file in August 1961, when the Passport Office determined that Oswald had not expatriated himself (CE 959). The lookout card that should have been prepared in June 1962 (but was not) would have been removed from the file when Oswald liquidated his debt to the State Department in January 1963.

That is nice rationalization but it will not do. The real point is that a lookout card for Oswald should have been prepared and retained in the file primarily on the ground that Oswald's presence abroad was not in the interests of the United States. That was the obvious inference to be drawn from his defection and disloyalty when he arrived in the Soviet Union in 1959. That was also the ostensible justification for the Department's loan to Oswald, in the face of his inability to qualify for the loan by "loyalty to the United States Government beyond question" (WR 771).

The State Department had an established procedure for preventing certain categories of persons from traveling abroad, one category being persons whose travel was judged not to be in the interests of the United States. Moreover, the Department's legal advisor, Abram Chayes, testified that other federal agencies had the same privilege.

The Federal Bureau of Investigation, for example, requests the addition of several hundred lookout 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 (CE 950, pp 3-4).

In Oswald's case, however, neither the State Department's security branch nor the CIA, FBI, or Office of Naval Intelligence set in motion the procedure under which they would be informed if Oswald planned to leave the U.S. again. Those agencies did not request notification despite the fact that Oswald had affirmed his allegiance to the Soviet Union, had proudly declared himself to be a Marxist, and had even offered classified radar data to the Soviet authorities. Their indifference is all the more bizarre when it is posed against the notorious policy of travel restriction of scientists, scholars, artists, and other Americans suspected of having improper political sympathies. An article in *The New York Times* of October 20, 1963, charged that "for the past 15 years, the (State) department has attempted to deny passports to many Americans on the ground that their travel might be embarrassing." Yet, four months before this charge was published, Oswald applied for a passport (on June 24, 1963) and it was issued to him without a murmur only 24 hours later!

The Department did not withhold or reclaim Oswald's passport, although his presence abroad had already proved "embarrassing." The radical deviation from orthodox practice where Oswald was involved cannot be dismissed as random, inadvertent,

or innocent—it is too consistent and uniform, vertically and horizontally, to be attributed to recurrent clerical error. It is a pattern that makes sense only in the context of a secret arrangement which placed Oswald outside the scope of normal measures of attrition.

Have and Have-Not

Oswald certainly did his best to compensate for the persistent negligence which left him without a lookout card. When he applied in July 1961 for the renewal of his 1959 passport, he was thoughtful enough to indicate on the application form that he had committed an act or acts which might expatriate him or make him ineligible to receive the renewal.

The application form contained a printed statement which set forth, in the disjunctive, a series of such acts, preceded by two phrases—"Have" and "Have Not," on separate lines with the two-word phrase on the second line. Oswald, in filling out the form, struck out the words "have not."

The Commission acknowledges that one existing carbon copy of the application shows that "have not" has been typed over and that in effect Oswald had thus admitted that he might be ineligible for an American passport.

Snyder, who had handled Oswald when

Nov 3 1959

I, Leo 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.

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 their receipt.

EMBA OF THE UNITED STATES OF AMERICA
NOV. 06. 1959
MOSCOW

Leo Harvey Oswald

Commission Exhibit 912

he came to the embassy and filled in the application form, was questioned but he did not remember to which of the proscribed acts Oswald had admitted; it may have been "swearing allegiance to a foreign state." On the other hand, Snyder suggested, the blocking-out of "have not" may have been a mere typographical error! (WR 755-757).

The Commission next states that there is an "actual signed copy of the application" in the embassy files at Moscow "which is not a carbon copy of the copy sent to the Department," in which the obliteration is slightly above the "have," which appears on the line above the "have not." The Commission infers from that that the strike-out may have been intended to obliterate "have."

What is an "actual signed copy of the application . . . which is not a carbon copy of the copy sent to the Department"? Where is the original application form that Oswald filled in?

There is "one existing carbon copy," location unknown. There is an "actual signed copy" in the embassy files—but it is not a "carbon copy of the copy sent to the Department."

Is it a carbon copy of any pedigree? Is it the original of the carbon copy sent to the Department?

Only when the testimony is searched does it emerge that on July 10, 1961, Oswald filled in not one, but two separate applications!

Coleman Do you have an explanation of why on July 10, two separate typings were made of the application for renewal?

Snyder No, sir; I do not. (5H 286)

Perhaps there was an experiment going on at the embassy on July 10. Oswald, with or without guidance, filled in one application in which he admitted acts of possible expatriation, and another application in which he denied such acts. The "innocent" application (with the "have" obliterated) remained in the embassy files; the "guilty" application (with the "have not" obliterated) was transmitted to Washington.

The Warren Report obfuscates the whole baffling exercise by employing a plethora of "copies" and "carbon copies" from which no sense can be made. The technique only heightens the impression of subterfuge and deception, by all concerned.

In spite of Oswald's strikeout of the phrase "have not," his application for passport renewal was approved on the basis of an accompanying questionnaire detailing specific acts which the State Department evaluated as non-expatriative.

The Passport Office's Unshaken Trust

Two years later Oswald applied for a passport at New Orleans. In the absence of a lookout card, his passport was granted within 24 hours. But Oswald was generous enough to provide a substitute for the missing lookout card: he specified on his application for a passport that his previous passport had been cancelled (CE 950, page 7). That in itself should have alerted the Passport Office to check his past file, but it did not delay his passport by an hour.

The Commission explains that Oswald was one of 25 applicants, all of whom received the same fast service in getting pass-

ports. The "NO" alongside of Oswald's name on the teletype list of the applicants meant "New Orleans" and the contiguity was purely coincidental.

But the Commission did not inquire why the Passport Office paid no attention to the information that Oswald's previous passport had been cancelled, nor did the Commission report a striking item of information which is found in the testimony of Orest Pena, proprietor of a New Orleans bar.

Pena testified that he, like Oswald, had applied for a passport at the New Orleans passport office on June 24, 1963 (11H 360). Pena's name is not on the list of applicants for that day (CE 952). Apparently Pena, unlike Oswald, was not so fortunate as to get his passport within 24 hours; and the Commission was not so fortunate as to be accurate in its claim that all those who applied for passports on the 24th of June enjoyed the impartial solicitude of the Passport Office.

Oswald, not content with calling attention to himself by means of suspicion-inviting statements on his passport application, went further. According to the testimony of Lt. Francis Martello of the New Orleans police, Oswald forthrightly told him after his arrest in August 1963 that he intended to re-defect to the Soviet Union and had already applied to the State Department for the necessary documents! (10H 56). Oswald's interview by Martello was followed by an interview conducted by FBI agent John Quigley. Quigley surely could have elicited the information that Oswald intended to return to the Soviet Union, from Martello if not from Oswald himself. Had he done so, would not the FBI have taken steps immediately to prevent a second defection by Oswald, with its consequent embarrassment to the U.S. Government? Yes, if Oswald's relationship with the government—and with the FBI in particular—was nothing more than met the eye.

Quigley's interview notwithstanding, Oswald proceeded from New Orleans to Mexico City, where his activities were logged by the CIA. About the middle of October 1963, the State Department received a CIA report which stated that Oswald had visited the Soviet Embassy in Mexico City. The CIA memorandum resulted in a review of Oswald's complete file by two Passport Office lawyers, neither of whom saw any need or any ground for action.

James L. Ritchie, attorney advisor in the Passport Office, testified that he read the CIA telegram noting the visit by Oswald to the Soviet Embassy at Mexico City, which had been left on his desk together with the Oswald file, on October 22, 1963—exactly one month before the assassination. He said that he then reviewed the entire Oswald file.

Coleman What did you then do?

Ritchie I made a judgment there was no passport action to be taken, and marked the file to be filed. (11H 192)

Ritchie's immediate superior, Carroll Hamilton Seeley, Jr., also read the CIA telegram and reviewed the Oswald file.

Coleman Did you after you looked at it say to yourself "can we revoke this passport?"
Seeley I am sure that is why I looked at it. I am sure of that, Mr. Coleman, that I

looked at it with that view in mind, if there was any action to be taken of that sort . . .

Coleman . . . Did you know he had defected or attempted to defect in 1959? . . . that he was going to pass some radar information to the Russians if they gave him citizenship?

Seeley Yes, sir.

Coleman Did you know that the Soviet desk had indicated in 1961 or 1962 that it would be to the interest of the United States to get him out of Russia and back to the United States? . . . Did you note in his passport application for his 1963 passport that he indicated that one of the countries that he intended to travel to was Russia? . . . And you are saying with all that information that you would look at that file . . . Read it and just put it back and did nothing about it?

Seeley I did nothing about it other than to note the fact that I had read the telegram . . . there was no particular passport significance to the fact that a man shows up down at the Soviet Embassy in Mexico City . . . (11H 208)

Abram Chayes was questioned also about the State Department's indifference to the prospect of Oswald's redefection to the Soviet Union.

Dulles Is it not correct though that when you were trying to get the visa for Mrs. Oswald, you made a very strong case that his continued residence in the Soviet Union was harmful to the foreign policy of the United States, or words to that effect?

Chayes Well, we were very anxious to get him back . . . we had him on our hands then . . . he was very directly our responsibility, so that anything he did or that went wrong during that period, he was under our protection and we were necessarily involved. If he went back as a tourist and got into some trouble of some kind or another, we would then have the choice I think to get involved, and we might or might not. (5H 332)

We suggest that the Department had the same choice in 1959, 1961, and 1962, when it elected not only to "get involved" but to move mountains on behalf of Oswald and his Russian wife.

If behind all the help that had been extended to Oswald in returning to the U.S. there was nothing sinister but merely the assessment that "his continued residence in the Soviet Union was harmful to the foreign policy of the United States," then the inference is clear that Oswald's planned return to the Soviet Union a year later was no longer deemed by State Department officials "harmful to the foreign policy of the United States." What had happened in the interim to make the unreliable Oswald reliable and for the Department that was once "anxious to get him back" not to lift a finger to keep him back or at least outside the Soviet Union? Neither the State Department nor the Commission addressed itself to this question.

A Threat of Betrayal

The most forceful indication that there was more to the Oswald "defection" than met the eye is the Government's dumfounding inertia in the face of Oswald's proclaimed intention when he arrived in the USSR to give classified data to the Russians. As embassy official John McVickar described it:

. . . it was almost as though he was trying to bait the consul into taking an adverse action against him. He mentioned that he knew certain classified things in connection with having been I think a radar operator in the Marine Corps and that he was going

to turn this information over to the Soviet authorities. And, of course, we didn't know how much he knew or anything like that . . . (5H 301)

Snyder testified that Oswald had "volunteered this statement. It was rather peculiar" (5H 265).

The first question that arises is, what kind of information did Oswald possess? John Donovan, former lieutenant in the Marine Corps, testified:

... shortly before I got out of the Marine Corps, which was mid-December 1959, we received word that he had showed up in Moscow. This necessitated a lot of change of aircraft call signs, codes, radio frequencies, radar frequencies.

He had access to the location of all bases in the west coast area, all radio frequencies for all squadrons, all tactical call signs, and the relative strength of all squadrons, number and type of aircraft in a squadron, who was the commanding officer, the authentication code of entering and exiting the ADIZ, which stands for Air Defense Identification Zone. He knew the range of our radar. He knew the range of our radio. And he knew the range of the surrounding units' radio and radar. (8H 298)

At the time of the first contact with the would-be defector, the embassy had no way of evaluating how much sensitive information Oswald had; in any case, there is no indication in the record that any attempt was made to dissuade Oswald from disclosing what he knew to a hostile foreign government. However, a dispatch was sent to the Office of Naval Intelligence as well as to the State Department reporting that Oswald intended to furnish the Soviet authorities with information on U.S. radar (CE 917). The Office of Naval Intelligence in its reply to the Embassy (copies of which went to the FBI, CIA, INS, Air Force and Army) asked to be informed of "significant developments in view of continuing interest of HQ, Marine Corps and U.S. intelligence agencies" (CE 918).

The Office of Naval Intelligence then presumably ordered the change of codes and frequencies described by Lt. Donovan, and issued Oswald an unsatisfactory discharge from the Marine Reserves. There is no indication of any other activity by Naval Intelligence; as mentioned already, the Office at no time used its right to request the State Department to issue a lookout card for Oswald. That is curious.

Another curious fact is supplied by the FBI, in a report stating that it was determined on November 2, 1959—only three days after Oswald's appearance at the Moscow embassy—that "no derogatory information was contained in the U.S. Marine Corps files concerning Oswald" (CE 2718), although Oswald supposedly was notorious in the Marines for his political deviation, his study of the Russian language, and other heresies. The FBI stated further that the Office of Naval Intelligence "advised that no action against him was contemplated in this matter" (CE 2718).

The unsatisfactory discharge from the Marine Reserves went through in 1960. Oswald was indignant, if not incensed, at this "injustice." He filed an application for review of the unsatisfactory discharge, appending a "brief" and a 4-page statement, as well as letters addressed to him by the U.S. embassy which, he pointed out, "hardly

reflects the opinion of the American embassy that I am undeserving, through some sort of breach of loyalty, of their attentions" (CE 2661).

The brief dated April 18, 1962, and the accompanying 4-page memorandum were written by hand by Oswald at Minsk; yet the documents not only manifest correct style and surprising familiarity with legal form and substance but cite specific sections of the U.S. Code! Did Oswald memorize a body of law in advance of his defection? Did he carry a copy of the U.S. Code with him on his travels, ready to consult it, as he apparently consulted it in Minsk? Or did he receive expert advice and assistance in preparing his brief, from some mysterious source?

Oswald, in his brief, not only appealed for nullification of the unsatisfactory discharge but requested recommendation of his reinstatement, on the following grounds:

In accordance with par. 15 (c) (5) I request that the Board consider my sincere desire to use my former training at the aviation fundamentals school, Jacksonville, Florida, and Radar operators school, Biloxie, Miss., as well as the special knowledge I have accumulated through my experience since my release from active duty in the Naval Service. (CE 2661) (Italics in original)

The Calm of the Betrayed

Neither the Marine Corps nor the Office of Naval Intelligence nor the FBI seem to have taken the smallest interest in any "special knowledge" which Oswald may have acquired in the Soviet Union. There is no indication that the offer was followed up with Oswald when he returned to the U.S. It would seem that American intelligence agencies are no less self-denying than their Soviet counterparts who, according to Oswald, had not shown any interest in the classified information he might have revealed and did not even question him.

The Commission did not take testimony from anyone representing the Office of Naval Intelligence, nor do the exhibits include interviews with such persons by the Commission's servant agencies. Consequently, we have no firm information on the action taken by the Office of Naval Intelligence other than that which we have inferred, and no explanation whatever of the decision not to prosecute Oswald on his return to the U.S.

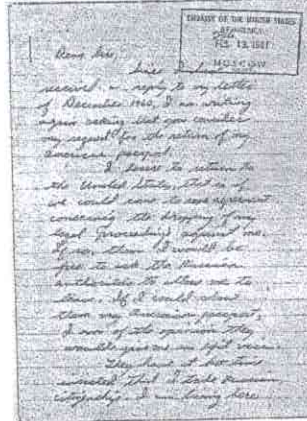
Did the Office of Naval Intelligence conduct an investigation which led to the conclusion that there was insufficient evidence to launch proceedings against Oswald? Did the Office conclude that Oswald had not carried out his threat to betray classified information? Did the Office even interview Oswald at any time?

Those are some of the questions that the Commission should have answered but did not.

We know only that Oswald reappeared at the embassy in July 1961, almost two years after his announced offer to give radar information to the Russians. He was somewhat chastened. He now said that he had not carried out his threat and that the Soviet authorities had never in fact questioned him to elicit what he knew about radar and related matters (CE 977). He reiterated the demands he had made by

letter, in February 1961 and thereafter, for full guarantees that he would not be prosecuted under any circumstances upon his return to the U.S. (WR 752, 754).

The State Department had instructed the embassy not to give Oswald any assurances, one way or the other, about prosecution (WR 753). Snyder, in his report on Oswald's return visit to the embassy, wrote that he "indicated some anxiety as to whether he would face possible lengthy imprisonment" (CE 977); and that he had told Oswald "informally" that he did not perceive on what grounds Oswald might be subject to conviction leading to any severe punishment. However, Snyder emphasized, he had told Oswald that the embassy could give him



Commission Exhibit 931

no assurance of immunity.

If we accept the Commission's evaluation of those transactions, we must accept one implausible inference, and another that is utterly incredible. First, that despite repeated demands for guarantees which the embassy and the State Department refused to give, Oswald decided to return to the U.S. where he faced the risk of prosecution and a long jail sentence. Everything suggests that, on the contrary, he returned knowing full well that he would not be prosecuted.

Second, we must believe Oswald's statement that the Russians had not been interested in his offer of radar information and that they had not solicited and he had not given that information. Collaterally, we must believe—and this is even more difficult—that the State Department and the other intelligence agencies accepted Oswald's disclaimer as sufficient to close the book on the question.

If those agencies really believed that the Soviet Union had abjured the classified military information which, there was good reason to believe, Oswald of his own volition had offered them, they are staffed by half-wits. Because we have a high opinion of the mental competence and vigilance of the FBI, the CIA, and the others concerned with this particular area of security, we find it more plausible to interpret their

serenity as an indication that they knew that there was nothing to get excited about.

Even the Commission could not bring itself to suffer in silence the bland pose of such preposterous naivete on the part of the State Department and the FBI. Although J. Edgar Hoover and his conferees were not questioned directly about this particular phase of the Oswald affair, Hoover himself absolved the FBI of error by stating self-righteously that "the embassy gave him a clean bill" (5H 104).

Abram Chayes of the State Department had different ideas about where the buck should be passed. He said that the FBI had questioned Oswald fully and "was satisfied" with Oswald's statement that he had

her son had gone to the Soviet Union on clandestine assignment by his own government. She made that suggestion, it should be remembered, in January 1961 (CE 2581)—almost three years before the assassination of President Kennedy at the hands of unknown murderers. The record of Oswald's relations with the State Department and other federal agencies, particularly the FBI, despite many blanks and missing links, goes a long distance toward vindicating the intuition and inferences of Oswald's mother.

Marina's Naturalization

The State Department's transactions with respect to Marina Oswald are discussed in Appendix XV of the Report (WR 761-769).

The Commission indicates that Marina falsely denied membership in Komsomol when she applied for admittance to the U.S. Her testimony reveals that she was a member of Komsomol until she was expelled in 1961 as a result of her intention to emigrate to the U.S. (5H 608-609). The embassy and the State Department accepted Marina's affidavit of non-membership in Komsomol, apparently without any attempt at independent verification.

The Commission, for its part, points out that neither Marina's membership in Komsomol, nor her false denial of membership, had it become known, need necessarily have resulted in her exclusion from the U.S. That we are entirely prepared to believe.

Marina Oswald's application for a non-quota visa was approved by the State Department, on favorable recommendation from the embassy, in October 1961, and her papers went forward to the Immigration and Naturalization Service (INS). The INS ruled against Marina, on the ground that Oswald did not meet the requirements as a "meritorious case" and that, in the opinion of the INS, there was doubt about his loyalty to the U.S. despite his recantation.

That INS evaluation of Oswald was in conflict with the view held by the embassy and the State Department, which held that Oswald had purged himself and was entitled to the help and protection of the U.S. government. The position taken by INS—which was consistent with prevailing official attitudes and policies—did not inspire the State Department to reconsider its own assessment of Oswald. Instead, the Department proceeded to search for ways to circumvent or reverse the negative decision taken by INS on Marina's application.

The record shows that the State Department manifested impatience even before INS made any decision in the matter; and when the decision proved to be negative, the Department informed INS that in its view "we're better off with subject in U.S. than in Russia" (WR 764). The Department also set into motion preparations to have Marina Oswald travel to Brussels, Belgium, and to proceed from that city to the U.S., taking advantage of the fact that certain technicalities would prevent INS from denying access to the U.S. to an immigrant of Soviet nationality whose papers were processed in certain third countries.

At the same time as the Brussels preparations were initiated, the Department removed another obstacle to Marina's entry into

the U.S. by accepting Oswald's unsubstantiated affidavit of support as "sufficient assurance that she would not become a public charge" (WR 762). The embassy explained that Oswald's affidavit had been accepted—still another unusual decision—because he had been unable to find anyone else to execute the affidavit, and despite the fact that Oswald had no concrete prospect of a job on his return.

Concurrently with these ingenious efforts to dissolve all the obstacles which stood in Oswald's way, the State Department exerted continuous pressure on INS to reverse its negative action. A high official of the Department wrote to INS on March 27, 1962, formally urging reconsideration. When the Department learned by telephone, on May 8, 1962, that INS had capitulated, the good news was cabled immediately to the Moscow embassy, without even awaiting the formal communication from INS which arrived the following day and which stipulated that its reversal was based on "strong representations" by the Department.

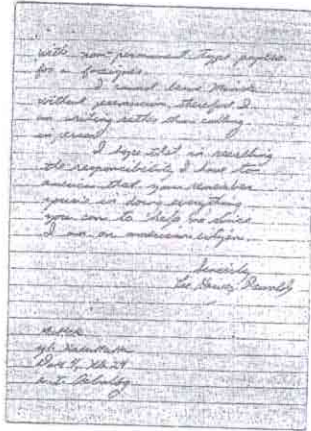
Thus, Marina Oswald was spared the inconvenience of going to Brussels and proceeded from the Soviet Union directly to the U.S. One wonders if she appreciated the prodigious efforts made on her behalf.

What would have happened if the State Department had not been ready to take such pains for Oswald? Presumably he and his wife would have remained in Minsk, living their family life in much the same fashion as before, when their activities had created no political, diplomatic, or propaganda problems for the U.S. Neither the Soviet government nor the American people were likely to make a cause celebre of Oswald if the State Department had refused to raise its finger on his behalf. The Russians were leery of Oswald from the beginning; and the American public would have given Oswald no sympathy whatever after his unpatriotic and disloyal actions.

The whole self-justification by the State Department for its decisions and its transactions with Oswald is "the interest of the United States." The Department has not provided the smallest substantiation for its claim that such a principle was relevant or decisive in Oswald's case. It has defended its actions on the grounds of scrupulous care for the rights of the citizen, human compassion, trust, and political tolerance. Those criteria are wholly absent from the Department's known practices and policies in passport cases and in cases involving manifestations of political unorthodoxy or suspected unorthodoxy. The self-portrait is not remotely identifiable with the familiar image.

But the Warren Commission has concluded that there was no irregularity, no illegal action, and no impropriety on the part of the officials involved in the transactions with the Oswalds! (WR 777).

We can only retort, after gasping at the undeviating and uninterrupted record of clerical errors and administrative options which operated invariably for the benefit of the undeserving Oswald, that no government agency is THAT perfect.



not given any information to the Russians (5H 333). Lame and exorcuated "explanations" and buck-passing came from other witnesses (see, for example, testimony of State Department lawyer Carroll Seeley, 11H 200). The explanations, individually and collectively, were implausible and evasive.

But the Commission let the matter rest. An FBI content with the "clean bill" purportedly given Oswald by the embassy, a Passport Office prepared to accept Oswald's verbal assurance that he had not given away classified data as he threatened to do, a State Department and CIA ready to believe that the Russians were not even interested in Oswald's radar secrets—those are not the familiar agencies we know and love (or loathe, according to one's inclinations). Allen Dulles, former head of the CIA, and the other government-seasoned members of the Commission, must have known better.

Nevertheless, the Commission as a body managed to swallow and digest a gargantuan serving of clerical error, persistent coincidence, and perverse official solicitude for a man who seemingly had forfeited all claim to protection from his government. The Commission concluded that the cuisine was delicious, and nourishing too.

What rubbish! The burden of evidence in fact lends considerable credence to Marguerite Oswald's constant thesis—that