

Memorandum

TO : W. C. SULLIVAN

DATE: 12-11-63

FROM : W. A. BRANIGAN

- 1 - Belmont
- 1 - Evans
- 1 - Sullivan
- 1 - Branigan
- 1 - Turner

SUBJECT: LEE HARVEY OSWALD
INTERNAL SECURITY - RUSSIA

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Miss Gandy	

Handwritten initials and scribbles

On 12-9-63 the office of the Deputy Attorney General forwarded to the Bureau a report of the Department of State pertaining to Lee Harvey Oswald for review as to consistency with the FBI report and with the request that it be returned. A copy of the State Department report is attached to this memo for retention in the Bureau files. Two copies are also retained in the Soviet Section.

A review of the State Department report discloses that the contents are not inconsistent with the contents of the Bureau report which was made available to the commission. It does supplement the information in our report by giving the legal basis and the reasons for State Department action in renewing subject's passport for return to the U.S., for granting him a repatriation loan and for granting an immigrant visa to enable his wife to enter the U.S. This material is summarized as follows:

Section 1 of the State Department report sets forth a chronology of contacts which subject had with the Department of State beginning with his initial application for a passport in 1959 and continuing until the issuance of his most recent passport on 6-25-63.

Section 2 of the State Department report refers to the legal authority for the Secretary of State to issue and renew passports under Title 22, U.S. Code, Section 211a, and it is noted that he cannot refuse to do so upon request. It is also noted that passports can be issued only to persons holding allegiance to the U.S. Thereafter, it is noted that subject's passports were issued under authority of the appropriate statute.

Section 3 deals with the question of subject's possible expatriation and it is noted that 3 subsections of Section 349(a) of the Immigration and Nationality Act of 1952 are relevant. The first of these relates to expatriation by a formal renunciation of nationality before a U.S. diplomatic or consular officer in a foreign state. It was concluded that subject's handwritten, signed but undated statement delivered by him to the Embassy in Moscow on

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Memo for Mr. Sullivan
Re: LEE HARVEY OSWALD
105-82555

10-31-59 did not constitute a formal renunciation in accordance with regulations prescribed by the Secretary of State which regulations called for the execution of a form and oath before a diplomatic or consular officer. Subject neither executed the appropriate form nor took an oath of renunciation of citizenship.

State acts as if he renounced citizenship. He did not do so when he was in the Soviet Embassy.

The second relevant subsection provides for expatriation as result of person obtaining naturalization in a foreign state. Documents furnished to subject by the Soviets indicated that he was not considered a Soviet citizen and, therefore, had not obtained naturalization.

The third relevant subsection pertains to expatriation by taking an oath or making other formal declaration of allegiance to a foreign state. It was pointed out that subject's handwritten statement delivered to the Embassy on 10-31-59 in which he stated "I affirm that my allegiance is to the Union of Soviet Socialist Republics" was not sufficient. This conclusion was based upon previous court cases and the State Department had no evidence that he had made any other oath or declaration of allegiance to the USSR.

The fourth section of the State Department report relates to the issuance of an immigrant visa to subject's wife. It was noted that she was eligible under the Immigration and Nationality Act to receive such a visa except for Section 243(g) which prohibits issuance of immigrant visas in the territory of countries who refuse to accept the return of persons which the U.S. seeks to deport. The Soviet Union is such a country and initially Immigration and Naturalization Service (INS) declined to waive this section with regard to Mrs. Oswald. State Department, however, on 3-27-62 addressed a letter to INS urging that this section be waived because failure to do so would appear to indicate that she and her unborn child were being punished for subject's earlier indiscretions and because failure to do so would weaken the U.S. attempts to encourage the Soviet Government to permit relatives of U.S. citizens to leave the Soviet Union. On 5-9-62 INS "in view of the strong representations made" by the State Department waived the sanctions of Section 243(g).

The fifth section pertains to the granting of a repatriation loan to subject. It is pointed out that Title 5, U.S. Code, Section 170i authorizes the Secretary of State to make expenditures for unforeseen emergencies arising in the diplomatic and consular service and that the appropriation for State Department includes

Memo for Mr. Sullivan
Re: LEE HARVEY OSWALD
105-82555

funds used for relief and repatriation loans to U.S. citizens abroad. State Department regulations governing this procedure permit loans to (a) citizens who will suffer undue hardship if not assisted in returning to the U.S. and (b) citizens who are in or may cause a situation damaging U.S. prestige or constituting compelling reason for extending assistance to effect his return. Subject was considered under "b" and a loan of \$435.71 was made after State Department through inquiries had determined that his family was not in a position to help him. This loan was repaid in full, the last payment being made on 1-29-63 and posted 2-7-63 more than 4 months before he was granted another passport on 6-25-63.

RECOMMENDATION

The above is for information. It is recommended that the State Department report be returned to Deputy Attorney General Katzenbach and that he be orally advised that the contents of this report are not inconsistent with the Bureau report but supplements it in that it sets forth the legal basis and reasons for State Department action in renewing subject's passport, granting him a repatriation loan and issuing an immigrant visa to his wife.

12/14/63

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