

THE ALLEN-SCOTT REPORT

State Department Ducks Oswald Case

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

High-ranking authorities, including Assistant Secretary Frederick Dutton, Administrator Abba Schwartz, Bureau of Security and Consular Affairs, and legal adviser Abram Chayes, 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 John F. 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.

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 and 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 renouncement 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."

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.

However, the records clearly show that Oswald intended to give up his citizenship. He handed his affidavit to a Central Intelligence employee who was masquerading as a State Department political officer in the embassy.

SECRETARY 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 an return to the U. S. as long as they haven't formally renounced their citizenship.

He wrote, "There is no provision in our laws covering a 'defector' who has not committed one of the expatriative acts set forth in the Immigration and Nationality Act of 1952."

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."