

## Chapter 19

# Oswald and the State Department

### *Chronological Summary*<sup>1</sup>

Lee Harvey Oswald, aged twenty and newly discharged 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"). Later Oswald was to assert that he had never in fact applied for Soviet citizenship, but according to a spokesman for the Soviet government Oswald's application had been submitted but rejected by the Presidium. (5H 311)

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.

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<sup>1</sup> Based on Chapter VII, Appendix XIII, and Appendix XV of the Warren Report.

While Oswald's request was under consideration by the State Department, Oswald met Marina Nikolaevna Prusakova and in April 1961 married her. 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.

After interviewing the Oswalds in Moscow in July 1961, the Embassy recommended that the State Department rule 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 sanctions. As a result of representations by the State Department, INS eventually agreed to waive sanctions 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 (the Communist youth organization), membership in which might have disqualified her from receiving a visa. Her denial was later found to be false.

At the end of 1961 the Oswalds received exit visas from the Soviet authorities, permitting them to leave the U.S.S.R. Oswald now told the Embassy that he needed financial assistance to cover travel costs to the U.S. for his wife and himself (and later for their infant daughter). 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 \$435 in June 1962, and 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.

### *Critical Evaluation*

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 in its transactions with Oswald and his wife 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. There is a consistent pattern of unusual and favorable

treatment of Oswald by the State Department. Decision after decision, the Department removed every obstacle before 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—on his path from Minsk to Dallas.

The State Department's extraordinary and unorthodox decisions and the decisions taken by other U.S. official agencies in regard to Oswald fall into several general categories: (1) repeated failure to prepare a "lookout card"<sup>2</sup> to check Oswald's movement outside the U.S.; (2) grant and renewal of Oswald's passport despite cause for negative action; (3) apparent inaction and indifference to Oswald's possible disclosure of classified military data; and (4) pressure exerted and exceptional measures taken 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, I speak in the context of official policies, practices, and attitudes, without intending to suggest a personal view on the constitutional or moral validity of the policies and procedures involved.

By dealing with specific instances, I will now try to show that the record of Oswald's transactions with the State Department is replete with anomalies, ambiguities, lacunae, and simply preposterous actions.

## The Defection

At the outset, questions arise about Oswald's journey to the Soviet Union: how did he acquire money for the trip, when and how did he travel from London to Helsinki, and what was the exact date of his first contact with the U.S. Embassy at Moscow?

Oswald sailed for Europe on September 20, 1959, nine days after he completed 34 months of service in the Marine Corps and obtained a discharge on the grounds of hardship arising from his mother's illness. (*WR* 688-689) When his history was detailed in the press after the assassination, many people wondered how Oswald had acquired the substantial sum of money needed for his trip to the Soviet Union, and some suggested that his travel must have been subsidized by a U.S. Government intelligence agency. The Warren Report appeared to resolve this mystery:

During his service in the Marines Oswald had saved a comparatively large sum of money, possibly as much as \$1,500, which would appear to have

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<sup>2</sup> 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)

been accomplished by considerable frugality and apparently for a specific purpose. (*WR 12*) There is no evidence that Oswald received outside assistance in financing his trip to the Soviet Union. After he arrived in Moscow, Oswald told a newspaper correspondent, Aline Mosby, that he had saved \$1,500 out of his Marine Corps salary. . . . During his two years and ten months of service, he received \$3,452.20, after all taxes, allotments and other deductions. (*WR 256-257*)

While the suggestion that Oswald had managed to save about \$1,500 out of a total income of \$3,400 over a period of 34 months is reasonable, given his frugal habits, the Report does not indicate where the accumulated money was kept physically—in a money-belt, stuffed in a locker or a duffel bag, or sent elsewhere for safekeeping.

In a later section of the Report, we learn:

No bank account or safe deposit boxes were located which could be identified with Oswald during this period of his life (i.e., June 1962–November 1963), although evidence was developed of a bank account which he had used prior to his trip to the Soviet Union in 1959. (*WR 328*)

At first this seems to explain where he kept the fifteen hundred dollars. But then we encounter the following document in the Exhibits:

Records of the West Side State Bank reflect a savings account in the name of Lee H. Oswald, mailing address U. S. Marine Corps Air Station, El Toro, Santa Ana, California, was opened December 8, 1958, with a cash deposit of \$200. On June 3, 1959, interest of \$3.00 was credited to the account. The account was closed September 14, 1959, when the total amount on deposit, \$203, was withdrawn. (*CE 1150*)

Apparently, then, Oswald had saved only \$200 in the account during his two years in the Marines. Did he save the remaining \$1,300 or a large part of that amount in the ten months that remained after he opened the savings account and before he sailed for Europe on September 20, 1959? If the Commission believes that he did, it must bear the burden of proof. If the Commission argues that Oswald had accumulated much more than \$200 at the end of two years but chose to place only a small part of the total in the bank, again it must prove it.

The Report conceals the very existence of the problem, by separating the assertion that Oswald saved as much as \$1,500 from the evidence that he had maintained a savings accounts in an unspecified amount, which turns out to be \$200.

It may be, as the Commission concludes, that Oswald did not receive outside assistance in financing his travel to the Soviet Union. But is the Commission entitled to offer that conclusion without first acknowledging and then confronting the paradox of the \$200 savings account?

Turning to Oswald's travel route, the Report indicates that he entered the Soviet Union from Helsinki. The only firm information about his visit to that city seems to be the record of his hotel stay (in two different hotels), from October 10 to 15, 1959. This information is contained in a CIA report of September

18, 1964. (*CE 2676*) But the same CIA report indicates that there was no flight leaving London on October 10, 1959 that would have arrived at Helsinki in time for Oswald to register at the hotel, as he did, before midnight on the same day.

The Commission solves that 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*, p. 7) This is typical of the repeated misrepresentation of simple fact in the Warren Report, in spite of contradictory documentary evidence in the accompanying exhibits. Because the Commission did not establish the exact means by which Oswald traveled from London to Helsinki, there is reason to wonder if he went on a commercial flight at all.

Next, there is some uncertainty about the exact date of Oswald's first contact with the U.S. Embassy at Moscow. 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 attaché in the Embassy to the Navy Department in Washington refers to a previous Embassy dispatch dated "26 October" dealing with Oswald's renunciation of U.S. citizenship and his offer to furnish Soviet authorities with information on U.S. radar operation. (*CE 917*)

Curiously enough, Consul Snyder sent a confidential letter on October 28, 1959 to Gene Boster, Officer in Charge of U.S.S.R. Affairs at the State Department, in which Snyder 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 31, 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, and 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 31, 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.

## The Disappearance

Another mystery 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,<sup>3</sup> basing itself on Oswald's diary and on "other records available to the Commission." (*WR 750*)

But the diary has an entry dated "Nov 17–Dec 30" rather than daily entries. It would be an arresting paradox if Oswald had found time before November 17 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 U.S.S.R. 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 this has been completely glossed over in the Report.

## The Lookout Cards

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

<sup>3</sup> Commission lawyer William T. Coleman gives the date of Oswald's departure for Minsk as "January 7" (*SH 277*), which is probably more accurate than the date mentioned in the Report.

lookout card was in June 1962, as a consequence of the advance of \$435 to Oswald for his travel to the U.S. Lookout cards are prepared routinely when such loans are made as a protection against default by the borrower, who is not entitled to travel abroad until full repayment is made.

Again, no lookout card was prepared for Oswald. (*WR 772*) Again, the Commission failed to determine the explicit responsibility for that violation of the rules and merely cites a State Department memorandum filled with conjectures about possible administrative or clerical errors which may have produced this second lapse. (*WR 772*)

## The Money

Before contracting for a State Department loan, Oswald had made attempts to obtain a grant or loan of funds to meet the costs of repatriation travel from non-governmental agencies in the U.S. One of the agencies to which Oswald appealed was the International Rescue Committee, Inc., which describes itself as a "strongly anti-Communist organization." (*CE 2766*) In a letter dated May 1, 1964 to J. Lee Rankin, General Counsel of the Warren Commission, the program director of the International Rescue Committee, Inc., stated that the Committee first heard of Oswald in a telephone call from the State Department's Special Consular Service recommending assistance to 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, although it did not then attract my attention, is that the letter from Oswald, dated January 13, could have reached the United States by January 14, and that it reached us via Texas. . . . On or about February 5, 1962 we did receive a handwritten letter directly from Oswald, dated January 26, which makes no reference to a previous communication of his. . . .* [*Italics added*] (*CE 2766*)

This "minor" mystery among many has not been probed by the Warren Commission; Consul Norbury of the American Embassy, Moscow, was not among the Commission's witnesses, and the State Department officials who gave testimony *after* Rankin presumably had received the letter quoted above were not questioned about this strange episode. 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 perhaps inadvertently,

acknowledges the counterfeit nature of the January 13 letter, purportedly written by Oswald in the U.S.S.R. and received in the U.S. the next day; 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*) The citation does not include the exhibit which reproduces the letter quoted above.\*

## A Perfect Record

The average reader may be nonplused by the State Department's perfect record of oversight and error in the matter of lookout cards for Oswald, but the Commission takes it in stride. It presents a dead-pan 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 uncommon carelessness and, at best, unreliability, the Commission points out that even if the lookout cards had been prepared, everything would have happened just as 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 939*) 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.

This pat rationalization 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, despite his inability to qualify for the loan by "loyalty to the United States Government beyond question." (*WR 771*)

## The Freedom of Oswald's Travel

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, as Abram Chayes, the Department's legal advisor, testified, 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

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\* I am indebted to Peter Dale Scott for calling to my attention testimony of Marguerite Oswald which indicates that she mailed the January 13th letter to Vernon, Texas, from Fort Worth. This clears up the illusory problem of a one-day transit of mail from the Soviet Union to Texas.



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, proudly declared himself to be a Marxist, and even offered classified radar data to the Soviet authorities.

To appreciate fully the bizarre and incomprehensible nature of that universal lack of interest in Oswald, one need only refer to a case described in *The New York Times* of March 23, 1966.<sup>4</sup> A front-page story reveals that messages bearing the name of Miss Frances Knight, Director of the Passport Office, had been sent to the American Embassies in Paris and Moscow asking them to keep an eye on a Harvard professor who intended to go abroad in the fall. Sent at the request of the FBI, the messages alleged that the professor had strong pro-Communist convictions and that the State Department was to be notified of pertinent information on his activities.

The Harvard professor who unwittingly triggered the uproar had not even applied for a passport when the *Times* story was published, but according to Miss Knight, the practice of sending such messages was "somewhat routine," going back at least two decades.

The FBI was really on its toes when confronted with a Harvard professor who seems to be guilty of nothing more than advocacy of a sane nuclear policy and disarmament. Why didn't a Marxist defector rate as much vigilance? Replying to a query on that very point from the Commission, the FBI explained:

We did not request the State Department to include Oswald on a list which would have resulted in advising us of any application for a passport inasmuch as the facts relating to Oswald's activities at that time did not warrant such action. Our investigation of Oswald had disclosed no evidence that Oswald was acting under the instructions or on behalf of any foreign government or instrumentality thereof. (CE 833, question 24)

If Oswald did not warrant such action, one can only wonder what frightful deeds caused the FBI to ask for several hundred lookout cards each year, as Abram Chayes had told the Commission.

And why was the State Department's Passport Office not worried about Oswald? Its arbitrary restriction of the right to travel has become the subject of a whole body of jurisprudence. Henry Steele Commager said in an article in *The New York Times Magazine*,<sup>5</sup> for example:

Beginning in the forties, and feeding on the crises, real and alleged, of the fifties, the State Department took the position that travel was not a right to

<sup>4</sup> "Miss Knight Given Rebuke for Action Sought by F.B.I.," *The New York Times*, March 23, 1966, p. 1, col. 5.

<sup>5</sup> Henry Steele Commager, "Passport Barrier: It Must Come Down," *The New York Times Magazine*, October 20, 1963, pp. 12, 109-116.

be exercised at the discretion of the citizens, but a privilege to be exercised at the discretion of the State Department. . . . Again and again, it has denied passports to American citizens. . . . Yet even when forced by the Court to acknowledge that travel was a "natural and constitutional right," the Department has persisted in using its power to withhold or reclaim passports. . . . With a stubbornness and arrogance characteristic of the bureaucratic mind, it still insists on the right to decide what is best for the United States. . . . For the past 15 years, the Department has attempted to deny passports to many Americans on the ground that their travel might be embarrassing.

*But not Oswald's passport*, which was issued to him 24 hours after he made application on June 24, 1963.

Clearly, on every occasion on which the State Department or other agencies should, by their normal practice, have set up a lookout card for Oswald, they did not do so. 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 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 precaution.

## The Passport Application

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 the two phrases "Have" and "Have Not." In filling out the form, Oswald 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 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." On this the obliteration is slightly above the "Have," which appears on the line above the "Have not." The Commission infers from this 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* document? 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)

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

In spite of Oswald's strike-out 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.

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, p. 7)

This in itself should have alerted the Passport Office to check his past file, yet apparently it did not delay his passport by an hour.

What light does this shed on the reasoning presented in the Warren Report? The Commission takes the position that even if the required lookout cards had been prepared in March 1960 and June 1962, no card would have remained in the file in June 1963 and Oswald's new passport would still have been issued. As for the issue of the passport in 24 hours, the Commission explains that Oswald was one of 25 applicants, all of whom received the same fast service. The "NO" alongside 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 cancellation of Oswald's previous passport.

Oswald went even further than inserting information on his passport application to call attention to himself. According to the testimony of Lieutenant Martello of the New Orleans police, Oswald forthrightly told him after his arrest in August 1963 that he intended to redefect 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 the FBI not 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 for action.

James L. Ritchie, attorney advisor in the Passport Office, testified that he read the CIA telegram noting Oswald's visit 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 203)

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)

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.

## **Military Secrets, Anyone?**

The most forceful indication that there was more to the Oswald "defection" than met the eye is the Government's dumbfounding inertia in the face of Oswald's proclaimed intention when he arrived in the U.S.S.R. 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, yet there is no 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) On these and other cablegrams and dispatches which appear in the Commission's exhibits, lines and parts of lines have been obliterated by strips of what appears to be white paper superimposed before the photocopy was made.

It may be inferred that the Office of Naval Intelligence ordered the change of codes and frequencies described by Lieutenant Donovan, and took steps which led to Oswald's discharge from the Marine Corps Reserves as undesirable. There is no indication of any other activity on the part of the Office of Naval Intelligence, which, as already indicated, did not at any time use its right to request a lookout card on Oswald from the State Department.

FBI replies dated April 6, 1964 to a series of written questions posed by the Warren Commission about the handling of the Oswald case between the defection in October 1959 and the assassination in November 1963 provide some additional curious information. The FBI states that it was determined on November 2, 1959 (only three days after Oswald's appearance at the Embassy) that "no derogatory information was contained in the USMC files concerning Oswald" (U.S. Marine Corps, where Oswald supposedly was known for his political deviation, study of the Russian language, and other heresies) and that "ONI (Office of Naval Intelligence) advised that no action against him was contemplated in this matter." (CE 2718, question 1)

Despite the quick decision by Naval Intelligence that no action would be taken, the Marine Corps acted in 1960 to give Oswald an undesirable discharge. Oswald was indignant, if not incensed, at the "injustice" of that action. He filed an application for review of the unsatisfactory discharge, appending a "brief" and a four-page statement. He also attached two letters addressed to him by the American Embassy in Moscow, commenting with respect to one of those letters that "the tone of the letter . . . 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 and the accompanying four-page statement were written by Oswald in Minsk, the brief being dated April 18, 1962 under that address. Yet the documents not only manifest a 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 the U.S. Code around with him on his travels and consult it in Minsk? Or did he have expert advice and assistance in writing his legal brief and accompanying statement?

Oswald not only appealed for nullification of the unsatisfactory discharge but also *requested recommendation of his re-enlistment*, on the following grounds:

In accordance with par. 15(e) (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, Biloxi, Miss., as well as the special knowledge I have accumulated through my experience

\* The author learned in 1975 that Oswald's references to the U.S. Code (Title 18, section 1544) related to the illegal use of passports. He had access to the relevant title and section of the Code in his own passport, which was in his possession when the "brief" was written.

*since my release from active duty in the Naval Service. [Emphasis in original] (CE 2661)*

Apparently neither the Marine Corps nor the Office of Naval Intelligence nor the FBI felt the smallest interest in any "special knowledge" which Oswald may have acquired in the Soviet Union; nothing in the Report or the Hearings and Exhibits indicates that the offer was followed up with Oswald upon his return to the U.S. It would seem that the American intelligence agencies are no less self-denying than their Soviet counterparts.

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 actions taken by the Office of Naval Intelligence other than those inferred here and no explanation whatever of the apparent 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?

These 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) In his report on Oswald's return visit to the Embassy, Snyder wrote that Oswald "indicated some anxiety as to whether he would face possible lengthy imprisonment." (CE 977) According to his report, Snyder 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 told him that the Embassy could give him no assurances of immunity.

If we accept the Commission's evaluation of those transactions, we must accept one implausible inference, and another that is 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 agen-

cies accepted Oswald's disclaimer as sufficient to close the book on the question.

If the FBI, the CIA, and the State Department really believed that the Soviet Union had abjured the classified military information which Oswald of his own volition had offered them, they are not staffed by the mentally competent and vigilant individuals we are told about. It is more plausible to interpret their serenity about the disclosure of classified data as an indication that they knew there was nothing to get excited about.

Even the Commission could not bring itself to suffer in silence these agencies' bland pose of naïveté. Although J. Edgar Hoover and his confreres were not questioned directly about this particular phase of the Oswald affair, Hoover himself absolved the FBI of error by stating 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.

*Ford:* What about Oswald's statements to either Mr. Snyder or Mr. McVickar that he as a former Marine was going to give information he had acquired as a former Marine to the Soviet authorities?

*Chayes:* That is, of course, a more difficult one. Of course we know he didn't have very much information.

*Ford:* No, but he was a Marine and he had been trained as an electronics radar specialist. He said he was going to give this information. . . . This is a question of giving away government secrets. . . . Was any investigation of that aspect made at the time?

*Chayes:* Yes.

*Ford:* When he came back and asked for the renewal of his passport?

*Chayes:* No; but what happened was when he returned to the United States—first of all the FBI was kept constantly informed, and as you know kept looking into the Oswald situation periodically from the time he came back.

*Coleman:* And those reports were in the passport file.

*Chayes:* They were in the passport file, and immediately after he came back, he was interviewed very fully by the FBI, and I think as I recall the file—I haven't reviewed it recently—I think he was questioned on this very point by the FBI and he said he hadn't given any and they weren't very much interested in it. *And the FBI apparently was satisfied with that.* They made no further move against him on that basis. [Italics added] (5H 333)

State Department passport lawyer Carroll Seeley was also examined on the matter of Oswald's disclosure of radar secrets.

*Coleman:* Did the fact that he had originally stated that he had information as a radar operator in the Marine Corps which he would make available to the Soviet Union—did that in any way raise in your mind a security problem?

*Seeley:* Yes, sir; I thought that this certainly raised a doubt. . . . [The witness then referred to Oswald's disclaimer of disclosure of information to the Russians, as reported by Snyder in CE 977.]

*Coleman:* Merely because a person who had attempted to defect now says when he is trying to get back into the country, "I really didn't tell the Soviets anything," that wouldn't completely satisfy you that maybe he hadn't, would it?



*Seeley:* No, sir; but I had no information that he had in fact done so. He had just made a statement that he would. . . .

*Coleman:* But you didn't do anything other than read Seeley Exhibit No. 5? [the report on Oswald's disclaimer referred to above]

*Seeley:* That is right, sir. (11H 200)

And here 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 certainly not the agencies we are familiar with.

Nevertheless, the Commission managed to digest a gargantuan serving of clerical error, persistent coincidence, and 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.

The burden of evidence in fact lends considerable credence to Marguerite Oswald's constant thesis that 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 2681*)—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.

## The Americanization of Marina

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 I am entirely prepared to believe.*

Marina's application for a non-quota visa was recommended favorably by the Embassy in August 1961 and approved by the State Department in October. At that time the State Department transmitted Marina's papers to the INS (Immigration and Naturalization Service) for the necessary action.

The law required that the INS should agree to a waiver of sanctions before

a Soviet national could enter the United States. The purpose and effect of the sanction is described in the testimony of Virginia James, of the State Department's Soviet desk.

*Coleman:* Could you explain for the record just what the sanction is under Section 243 (g)?

*Miss James:* Yes; the sanction is that the United States will not issue an immigration visa to a citizen of a country which refuses to accept a deportee from the United States based on the reasoning that if you can't deport to that country, if a person turns out to be an unsatisfactory immigrant, you are stuck with that immigrant.

*Coleman:* Does that mean that the person cannot come into the United States?

*Miss James:* No; it means that Mrs. Oswald could have gone to Belgium, France, England, any other country that accepts deportees, and applied for an immigration visa and have been admitted without any question on a Section 243 (g) waiver. (11H 186)

In the case of Marina Oswald, the INS decided after a field investigation at Dallas to deny a waiver of sanctions, on the ground that Oswald did not meet the requirement as a "meritorious case" and that there was doubt about his loyalty to the U.S., in the opinion of INS, despite his recantation.

That evaluation by INS was in conflict with the view of the State Department and the Embassy that Oswald had purged himself and was entitled to the help and protection of the U.S. Government. The position taken by the INS, which was consistent with prevailing official attitudes and practices, did not inspire the State Department to reconsider its own assessment of Oswald. Instead, the Department proceeded to seek ways to circumvent or reverse the refusal of INS to waive sanctions.

INS informed the State Department of its decision to deny waiver of sanctions for Marina Oswald by a letter dated January 31, 1962, and also by a telegram sent a few days later and probably received before the letter, because the Department had been manifesting impatience for action by INS.

On February 12, 1962 the State Department Visa Office told the INS by telephone that the political desk believed that "We're better off with subject in U.S. than in Russia." (WR 764)

On March 9, 1962 the Department informed the Embassy that INS had declined to waive sanctions and suggested that the Embassy might advise Marina Oswald to proceed to a third country where the sanctions issue did not arise and request a U.S. visa.

On March 16, 1962 the Embassy contacted the American Embassy in Brussels, which indicated that if Marina came there she would receive a visa in two or three days.

That same day the Embassy 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 because he had

been unable to find anyone in the U.S. to execute such an affidavit and despite the fact that Oswald had no concrete prospect of a job on his return.

Meanwhile, the State Department was exerting pressure on INS to reverse its denial of waiver. A high official of the Department wrote to INS on March 27, 1962 formally urging that its decision be reconsidered.

On May 8, 1962 the Department's Soviet desk learned by telephone that INS had capitulated. The good news was cabled immediately to the Embassy. The next day the INS by letter formally communicated its agreement to waive sanctions on behalf of Marina, stipulating that its action was based on "strong representations" by the Department.

Thus, Marina Oswald was spared the inconvenience of going to Brussels and was able to proceed from the Soviet Union directly to the United States. One wonders if she appreciates the prodigious efforts made on her behalf.

When the Oswalds opened negotiations at the Embassy in Moscow for Marina's admittance into the United States, they faced four requirements:

(1) That Oswald had not expatriated himself and had remained an American citizen. This determination was made by an adjudicator in the Passport Office of the State Department about one month later.

(2) That Marina Oswald was not a voluntary member of any Communist organization. As discussed already, Marina's false denial of membership in Komsomol was not uncovered until well after the assassination.

(3) That an affidavit of support was provided against the possibility that Marina might become a public charge. The Embassy, after prolonged correspondence with Oswald and the State Department on that problem, took the unusual step of accepting an affidavit from Oswald himself. (Subsequently Marguerite Oswald persuaded an employer to sign an affidavit of support, as the Report points out, but that is irrelevant to the evaluation of the actions taken by the State Department when it appeared that no such affidavit would be forthcoming.)

(4) That the INS would agree to waive sanctions, which it first refused to do but later granted on the basis of "strong representations."

## **"Best" Interests**

All of the actions and decisions were predicated on the State Department's view that it was in the best interests of the U.S. for Oswald to return.

What would have happened if the State Department had not been ready to take such pains on Oswald's behalf? Presumably he and his wife would have remained in Minsk, leading their family life in more or less the same fashion as before. They might have suffered some temporary disapproval or hostility from the community because of their attempt to defect to the U.S., but that would

have passed in time. There was no likelihood that the Soviet Government, or the American public, would make a *cause célèbre* of Oswald: the Russians obviously were leery of Oswald from the beginning, and the American public would have given Oswald no sympathy whatever after his disloyal behavior.

In what way, then, would the interests of the United States have suffered if Oswald had been left to fend for himself in Minsk? At worst, the Russians might have said self-righteously—if and when it suited them—that it was the Americans, not the Soviets, who were preventing the departure of the Oswalds. Didn't the State Department have a few cases in reserve of Soviet denial of exit visas? When Chayes was questioned about the average waiting time between a request for an exit visa and its approval in cases similar to Marina's, Chayes replied that some of the applicants had never received permission to leave the Soviet Union. (5H 340) There was probably a wealth of material with which to rebut possible Soviet accusations, if and when they were made.

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 manifestations of political unorthodoxy or suspected unorthodoxy.

But the Warren Commission has conveniently 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)

My only rejoinder, after reviewing the undeviating record of clerical errors and administrative decisions to the benefit of the undeserving Oswald, is that no agency is *that* perfect.