

REPORT OF THE
DEPARTMENT OF STATE
LEE HARVEY OSWALD

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* Page 3 of this document contains classified information.

LEE HARVEY OSWALD - CHRONOLOGY OF CONTACTS
WITH THE DEPARTMENT OF STATE

The first contact of the Department of State with Lee Harvey Oswald came in September 1959, just before Oswald's release from active service in the Marine Corps when he applied for a passport in Los Angeles. From that time until his death the Department of State records show that he came in contact with the Department a number of times both in the United States and in Moscow. Oswald applied for passports in September 1959 and June 1963 and for a renewal in July 1961; he made an attempt to renounce his citizenship in October 1959; he applied for a non-quota immigrant visa for his wife, a Soviet citizen, in July and August 1961; and he applied for a loan to pay for passage to the United States for himself, his wife, and their infant daughter in the spring of 1962. Separate memoranda attached hereto describe the laws, regulations, policies and procedures relevant to each of these matters. This paper presents a chronological narrative of Oswald's contacts with the Department.

Passport Application in Los Angeles - September 1959

Oswald appeared at the Los Angeles passport agency of the Department of State on September 4, 1959, and there executed a passport application. In support of that application he furnished a paper from the Separation Section, U.S. Marine Corps, El Toro, Santa Ana, California,

certifying that he was scheduled to be released from active duty with the Marine Corps on September 11, 1959. Oswald's passport application stated that the purpose of his trip was to attend the College of Albert Schweitzer in Switzerland, the University of Turku in Finland, and to visit other countries as a tourist. He listed the countries to be visited as Cuba, Dominican Republic, England, France, Switzerland and Russia. He stated that his point of departure would be New Orleans and his approximate departure would be September 21, 1959. The passport file shows that a Marine Corps Reserve inactive ID card and a birth certificate were submitted as part of the passport application. The passport was issued routinely on September 10, 1959.

First Appearance at Moscow Embassy - October 1959

Six weeks later on October 31, 1959, Oswald appeared at the United States Embassy in Moscow and stated to the Consular Officer that he wished to renounce his American citizenship and that he had applied to become a citizen of the Soviet Union. He presented his passport to the interviewing officer and submitted the following unrelated hand-written statement:

I Lee Harvey Oswald do hereby request that my present citizenship in the United States of America, be revoked.

I have entered the Soviet Union for the express purpose of applying for citizenship in the Soviet Union, through the means of naturalization.

My request for citizenship is now pending before the Supreme Soviet of the U.S.S.R.

I take these steps for political reasons. My request for the revoking of my American citizenship is made only after the longest and most serious considerations.

I affirm that my allegiance is to the Union of Soviet Socialist Republics.

Lee H. Oswald

The Consular Officer talked with Oswald about the seriousness of the step he was proposing to take. Oswald gave as the principal reasons for his decision that "I am a marxist", but declined any further statement of his motives. He also stated that he had been a radar operator in the Marines and had offered to make the knowledge he had learned in that job available to Soviet officials when he became a Soviet citizen.

The Consular Officer told Oswald that the Consulate was then closed, but that he could come back to execute the appropriate documents at any time during normal business hours. It is clear from the report of the Consular officer to the Department that in view of the seriousness of the step, the fact that Oswald was only 20 years old at the time, and the fact that in another recent case the "defector" had changed his mind after receiving a less than warm welcome from the Soviets, the attitude of the Embassy in Moscow was to attempt to delay Oswald's formal act of renunciation. This was in line also with the general policy of the Department to discourage expatriation of American citizens.

Oswald Settles in Russia - Fall, Winter 1959

Oswald never returned to execute the formal papers. Instead, following the interview of October 31, Oswald directed another letter from Moscow to the Embassy dated November 3, 1959, as follows:

I, Lee 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 this incident.

Lee Harvey Oswald

It was also noted at the time both by the Embassy officers familiar with the case and by American journalists who had interviewed Oswald that while Oswald appeared angry at the Embassy for not accepting his application at once, he failed to return to the Embassy, as he knew he could, to execute the papers. The reports suggest that Oswald might have deliberately left himself an opening by not executing these papers, perhaps waiting to see how his application for Soviet citizenship would fare.

In the last days of November 1959, Oswald apparently left his hotel in Moscow without informing either the Embassy or American correspondents who had been in touch with him where he was headed. The Embassy reported this fact to Washington and undertook to inform the Department of any further developments. Nothing further was heard from Oswald for several months. Accordingly, the Department's Passport Office advised Embassy Moscow in March of 1960 that no further action was then required in the case. A final determination was made at this time that Oswald either had or had not expatriated himself.

During this time Mrs. Marguerite Oswald, the mother of Lee Harvey Oswald, made several inquiries of the Department as to her son's whereabouts, including an interview in January 1961. Apparently she also had no knowledge of where he was. She did report, however, that she had a short note from Oswald stating that he could not cash a check for \$20.00 which she had sent and asking that she send cash instead as he was in need of money. She said that she thereupon sent Oswald a letter enclosing a \$20.00 bill but that the letter had been returned to her. She also stated that she had sent him a \$25.00 money order. Mrs. Oswald's contacts with the Department inquiring about her son's whereabouts continued until February 1961. In July 1960, Congressman Jim Wright of Texas received a letter from Mrs. Oswald and forwarded it to the Department. The Department's correspondence with Mrs. Oswald and copies of four letters exchanged with her in July were made available to Congressman Wright.

Oswald begins inquiries concerning return to the United States - February-August 1961

According to the Embassy records, the Department next heard from Lee Oswald in February 1961, when it received a letter postmarked Minsk February 5. The letter read as follows:

Dear Sirs:

Since I have not received a reply to my letter of December 1960, I am writing again asking that you consider my request for the return of my American passport.

I desire to return to the United States, that is if we could come to some agreement concerning the dropping of any legal proceedings against me. If so, then I would be free to ask the Russian authorities to allow me to leave. If I could show them my American passport, I am of the opinion they would give me an exit visa.

They have at no time insisted that I take Russian citizenship. I am living here with non-permanent type papers for a foreigner.

I cannot leave Minsk without permission, therefore I am writing rather than calling in person.

I hope that in recalling the responsibility I have to America that you remember yours in doing everything you can to help me since I am an American citizen.

Sincerely,
Lee Harvey Oswald

Apparently, the letter of December 1960 to which he refers was never received.

The Embassy replied to Oswald's letter of February suggesting that he come personally to the Embassy for an interview on which to base a decision concerning the status of his American citizenship. In reply to the Embassy's letter, Oswald wrote on March 22, 1961 that he found it inconvenient to come to Moscow for the sole purpose of an interview since he would have to apply for permission from the authorities in Minsk in order to travel to Moscow for such an interview.

On March 24, 1961, the Embassy wrote again to Oswald concerning an interview. The Embassy's letter stated in pertinent parts:

The Soviet Ministry of Foreign Affairs has always assured the Embassy that it interposes no objections or obstacles to

visits to the Embassy on the part of American citizens in the Soviet Union. As stated in our previous letter a final determination of your present American citizenship status can only be made on the basis of a personal interview. Certain statements of legal force relating to your citizenship status should be made under oath in the presence of a consular officer . . .

You may wish to present this letter to the authorities in Minsk in connection with your application for permission to travel to Moscow.

On May 25, 1961, the Embassy in Moscow received another letter from Oswald:

Dear Sirs:

In regards to your letter of March 24. I understand the reasons for the necessity of a personal interview at the Embassy, however, I wish to make it clear that I am asking not only for the right to return to the United States, but also for full guarantees that I shall not, under any circumstances, be persecuted for any act pertaining to this case. I made that clear from my first letter, although nothing has been said, even vaguely, concerning this in my correspondence with the Embassy. Unless you honestly think that this condition can be met, I see no reason for a continuance of our correspondence. Instead, I shall endeavour to use my relatives in the United States, to see about getting something done in Washington.

As for coming to Moscow, this would have to be on my own initiative and I do not care to take the risk of getting into a awkward situation unless I think it worthwhile. Also, since my last letter I have gotten married.

My wife is Russian, born in Leningrad, she has no parents living, and is quite willing to leave the Soviet Union with me and live in the United States.

I would not leave here without my wife so arrangements would have to be made for her to leave at the same time as I do.

The marriage stamp was placed on my present passport, after some trouble with the authorities, so my status as far as the USSR is concerned, is the same as before, that is, "without citizenship".

So with this extra complication I suggest you do some checking up before advising me further.

I believe I have spoken frankly in this letter, I hope you do the same in your next letter.

Sincerely yours,
Lee Harvey Oswald

On July 3, 1961, Oswald appeared at the Embassy on his own initiative. He executed under oath an application for the renewal of a passport, and in connection with that application he executed a questionnaire relating to possible expatriating acts. In that questionnaire he stated inter alia that he was not considered a national of the U.S.S.R. by the U.S.S.R.; that he had never sought or obtained registration as a national of a foreign country, and that he had never taken an oath or affirmation or other form of declaration of allegiance to a foreign state. In support of these statements Oswald presented his Soviet document of residence on which, he stated, his nationality was listed as American. The reporting officer at the Embassy noted that the document was a "document of residence for persons without citizenship".

At the July 5 interview, according to the reporting despatch, Oswald stated that despite the wording of the statement which he handed to the Embassy on October 31, 1959, he never in fact actually applied for Soviet citizenship. His application at that time was for permission to remain in the Soviet Union and for a temporary extension of his

tourist visa pending outcome of his request. This application, according to Oswald, contained no reference to Soviet citizenship, nor did he subsequently make any application for Soviet citizenship.

The reporting officer noted that "20 months of the realities of life in the Soviet Union have clearly had a maturing effect on Oswald. He stated frankly that he learned a hard lesson the hard way and that he had been completely relieved about his illusions about the Soviet Union. . . . Much of the arrogance and bravado which characterized him on his first visit to the Embassy appears to have left him."

Oswald stated that he intended to institute an application for an exit visa immediately upon his return to Minsk. The Embassy returned his American passport to him for use in connection with the exit visa application. The passport was stamped valid for direct return to the United States only. On August 18, 1961, the Department of State sent a memorandum to Embassy Moscow concurring in the conclusion of the Embassy that "there is no available information and/or evidence to show that Mr. Oswald has expatriated himself under the pertinent laws of the U.S."

Oswald begins inquiries concerning a visa for
his Russian wife

At approximately the same time as he had disclosed his own status with the consular officer in Moscow (July 1961), Oswald inquired about a visa for his wife to accompany him to the United States. On July 11, 1961, he executed a visa petition under Section 205 of the Immigration

and Nationality Act relating to non-quota status for Marina Nicholaevna Oswald as the spouse of an American citizen. This petition, together with a check for \$10.00 and a copy of a Soviet marriage certificate showing Oswald's marriage on April 30, 1961, was submitted to the Department by Embassy Moscow on August 23, 1961.

At the same time the Embassy requested a "security advisory opinion" on Mrs. Oswald, with a recommendation that the opinion be favorable and that the petition be approved. The memorandum from the Embassy in Moscow gave the pertinent biographic information about Mrs. Oswald and stated that she was employed as a laboratory assistant in a hospital in Minsk. The Embassy reported that in connection with this employment Mrs. Oswald was a member of the Soviet Trade Union for Medical Workers. The Embassy noted that "such membership is routinely considered to be involuntary" under the section of the Immigration and Nationality Act exempting certain involuntary membership in communist or communist-front organizations from the provisions of inadmissibility contained in the Act (Section 212(a)(28)(I)(1)).

Upon receipt of the request from Embassy Moscow of August 23, the Department initiated a check on Mrs. Oswald with the CIA, the FBI, the Department's own Office of Security, Division of Biographic Intelligence and, since the nationality of the husband was relevant to the petition, the Department's Passport Office. The name checks turned up certain information concerning Lee Oswald but no information indicating a

different conclusion from that contained in the Embassy memorandum of August 28. Accordingly, on October 3, the Department cabled to Moscow that available information concerning the applicant established her eligibility under Section 212(a)(28)(I)(1) of the Act. The Department also forwarded the petition for non-quota status, together with the check, to the District Director of the Immigration and Naturalization Service in Texas by letter dated October 6, 1961.

Correspondence between Oswald and Moscow Embassy
July 1961 - February 1962

Oswald wrote four letters to the Embassy in Moscow from July to October 1961. He described certain "unusual and crude attempts on his wife at her place of work, apparently on the basis that she was seeking to leave the country". He enclosed copies of his wedding certificate and the birth certificate of his wife; he asked for clarification of the notation on his passport that it was valid only for direct travel to the United States; and he requested the United States Embassy to institute an official inquiry on his behalf in connection with the delay in issuance of an exit visa to him by the Soviet authorities. The Embassy in Moscow replied to Oswald by saying that the question of passport renewal could be discussed only in person at the Embassy, that the petition concerning his wife's status had not yet been approved, and that the Embassy had no way of influencing Soviet action on exit visas.

On November 1, Oswald again wrote to the American Embassy in Moscow stating that his document of residence was good until January 4, 1962.

He wrote that the Soviet officials had said to him that if he had not received an exit visa by the time his document of residence expired, this document would be extended. Oswald expressed his opinion that extension of that document without his consent or request would be unlawful, and asked whether the American Embassy supported this view. In reply the Embassy in Moscow wrote on November 13 that the Soviet document which he had was the type issued to persons considered by the Soviet authorities to have no citizenship and not the type issued to individuals acknowledged to be foreigners. "Meanwhile", the Embassy continued, "your continued retention of your present Soviet passport or an extension thereof, does not prejudice in any way your claim to American citizenship."²

Oswald was not satisfied with that reply and renewed his question by letter to the Embassy of December 1, 1961. On December 14 the Embassy again wrote to Oswald that "since you are not considered a Soviet citizen by the authorities in this country, you are entitled to receive a Soviet exit visa upon presentation of a valid foreign national passport. Regarding the latter, as we have indicated to you before, you can take up the matter of renewing your expired American passport upon your next personal appearance at the Embassy."

² The word "passport" here refers to the identification document required of all persons resident in the Soviet Union, and not to a passport in the American sense of the word.

Oswald wrote back on December 27 inquiring how long the processing of his passport would take. He said that ^{if} a delay could be expected he would make a special trip to Moscow for the purpose of his passport application, but that he preferred to make a single trip at the time his wife's visa application came up. The Embassy replied on January 5, 1962, that the processing of his wife's visa application would still take some time but that "a passport could normally be extended at the Embassy within a single full work day if we are informed of your arrival in advance. Following issuance, the passport will be yours to keep until completion of your travel."

On January 5 Oswald wrote again to the Embassy to say that his document of residence in the U.S.S.R. had been extended until July 5, 1962. He said also that permission for exit visas for himself and his wife had been granted by the Soviet authorities but that his own exit visa would be good for 45 days only. He added that he would like to leave as soon as all documents were finished since there would be an addition to the family in March. Finally, Oswald said, "I would like to make arrangements for a loan from the Embassy or some organization for part of the plane fares. Please look into this and notify me." The Embassy replied on January 15, 1962 that several documents connected with Mrs. Oswald's immigrant visa application were still lacking and that in view of these circumstances Oswald might wish to reconsider

his decision to defer his departure until Mrs. Oswald's documentation was complete. The Embassy letter indicated that it might be easier to provide the necessary evidence that Mrs. Oswald would not become a public charge if Oswald were already in the United States. As to the inquiry concerning a loan, the Embassy indicated that this could be discussed when he appeared at the Embassy.

Oswald replied on January 16, "I certainly will not consider going to the United States alone for any reason, particularly since it appears my passport will be confiscated upon my arrival in the United States." Oswald enclosed with that letter an affidavit of support in Russian executed before a Soviet notary in Minsk. The Embassy replied on January 24, stating that there was considerable doubt about the adequacies of the affidavit and other documentation which Oswald had sent to meet the provisions of United States immigration law. The Embassy letter, signed by the American Consul in Moscow, went on, "I cannot urge you strongly enough to obtain a support affidavit from a close relative in the United States in order to insure that your wife will be able to travel with you." Oswald never furnished such affidavit of support.

In answer to another letter from Oswald dated January 23, 1962, the Embassy wrote to him on January 31 that it was not yet in a position to issue a visa to Mrs. Oswald for two reasons: First, because an approved visa petition had not yet been received from the Immigration

and Naturalization Service, and second, because it was not yet clear that the affidavit of support which he had submitted met the public charge provisions of the immigration law. The Embassy said it "is making every effort to complete action on your wife's visa application as soon as possible ..." but that it was unlikely that the visa could be issued in time to permit her to travel to the United States before the child was born.

Oswald's Loan Application - January-March 1962

The Embassy had sent a memorandum to the Department on January 16, 1962 referring to some of the above correspondence, and requesting advice concerning authorization to make a loan for air travel to Mr. and Mrs. Oswald under the authority contained in the Foreign Service Manual. The Department wrote to Oswald's mother, Mrs. Marguerite Oswald, in Fort Worth, Texas, stating that Oswald had reported that he had received permission from the Soviet authorities to leave, but that he did not have the necessary funds. In its letter to Mrs. Oswald the Department said that it would arrange to transmit funds supplied by her through official channels in order to arrange for transportation for Mr. and Mrs. Lee Oswald. At the same time the Department got in touch by telephone with the International Rescue Committee in New York to find out if that organization was in a position to furnish funds for the travel of Mr. and Mrs. Oswald from the Soviet Union. The International Rescue Committee replied that it normally did not approve funds in this kind of case but only in the case of refugees.

On January 26 Senator John C. Tower of Texas wrote to the Department of State enclosing correspondence he had received from Lee H. Oswald relating to efforts on his behalf to return to the United States along with his wife. Senator Tower said, "Quite obviously his [Oswald's] inquiry should have been addressed to the Executive branch. For this reason I am forwarding this copy to you for whatever action the Department would consider appropriate." On February 9 the Department wrote to Senator Tower returning the letters he had sent in, and enclosing copies of certain correspondence between Embassy Moscow and Oswald and offering to keep the Senator informed of further developments if he should wish.

On February 1, 1962 the Department wrote to Mrs. Oswald that her son had indicated that he might be able to defray part of the cost of travel. The Department stated it hoped she would be able to raise the remainder of the necessary funds possibly by a loan from a bank or from friends or relatives. The Department discouraged her suggestion that her son's story be made public with an appeal for help. On February 2 the Department cabled the Embassy in Moscow that the loan was not approved pending receipt by the Embassy of an application in accordance with the Foreign Service Manual.

On February 6, the Embassy in Moscow addressed a letter to Oswald with a list of the information necessary to complete an application for a loan. On February 24, 1962, Oswald wrote to the Embassy enclosing

answers to the questions listed in the Embassy's letter. He submitted also an "affirmation" in which he solemnly declared that he was a loyal U. S. national, that he had not lost his citizenship and that all the statements in this application are true.

On March 6 Embassy Moscow requested authorization to make the loan to Oswald for transportation to the United States. The Embassy telegram states that Oswald had estimated that transportation for him and his family would cost \$800, while the Embassy's estimate was \$700. Oswald stated that he could pay \$200. On March 7 the Department replied that a loan for Oswald up to \$500 was authorized.

Processing of Mrs. Oswald's Visa - February-May 1962

On February 23, 1962 the District Director, Immigration and Naturalization Service in San Antonio, Texas, advised the Department and also Oswald directly, that the petition for non-quota immigrant status of Mrs. Oswald had been approved. The District Director advised the Department that the waiver of sanctions imposed under section 243(g) of the Immigration and Nationality Act relating to issuance of immigrant visas in the Soviet Union was not authorized.

The Department advised Embassy Moscow of this decision. The Department instructed the Embassy that if Oswald inquired about the possibility of a waiver of the section 243(g) sanction, "he may be informed that full and complete consideration was given to that possibility and it was determined that the sanction should not be

waived." However, the Office of Soviet Affairs in the Department urged reconsideration of the 243(g) decision and addressed memoranda to that effect to the Visa Office, and to the Acting Administrator of the Bureau of Security and Consular Affairs. Soviet Affairs stated that Oswald was an American citizen who defected from the United States and decided to reside permanently in the Soviet Union. Although he made known to the Embassy his original intention to renounce his American citizenship, he never completed the formalities and after due consideration the Passport Office made the decision that Oswald was still an American citizen. It added that:

SOV believes it is in the interest of the US to get Lee Harvey Oswald and his family out of the Soviet Union and on their way to this country as soon as possible. An unstable character, whose actions are entirely unpredictable, Oswald may well refuse to leave the USSR or subsequently attempt to return there if we should make it impossible for him to be accompanied from Moscow by his wife and child.

Such action on our part also would permit the Soviet Government to argue that, although it had issued an exit visa to Mrs. Oswald to prevent the separation of a family, the United States Government had imposed a forced separation by refusing to issue her a visa. Obviously, this would weaken our Embassy's position in encouraging positive Soviet action in other cases involving Soviet citizen relatives of US citizens.

The Soviet Affairs office also related the Oswald case to the general policy of the Department to seek to obtain permission from the Soviets for persons desiring to leave the Soviet Union in order to be with their close relatives who are American citizens.

Accordingly, the Department telegraphed Embassy Moscow on March 27, 1962, to withhold action on its memorandum of March 9. On the same date the Acting Administrator of the Bureau of Security and Consular Affairs wrote to the Commissioner of Immigration and Naturalization requesting reconsideration of the decision to refuse to authorize issuance of an immigrant visa in Moscow to Mrs. Oswald. The Department's letter read in pertinent part as follows:

I appreciate the difficulty this case presents for your Service, because of Mr. Oswald's background, and the fact that granting a waiver of the sanction makes it appear that this Government is assisting a person who is not altogether entitled to such assistance. However, if the Embassy at Moscow is unable to issue Mrs. Oswald a visa, it would appear that she and indirectly the Oswald's newborn child are being punished for Mr. Oswald's earlier indiscretions. I might also point out that this Government has advanced Mr. Oswald a loan of \$500.00 for repatriation.

More important, however, is the possibility that if Mrs. Oswald is not issued a visa by the Embassy, the Soviet Government will be in a position to claim that it has done all it can to prevent the separation of the family by issuing Mrs. Oswald the required exit permission, but that this Government has refused to issue her a visa, thus preventing her from accompanying her husband and child. This would weaken the Embassy's attempts to encourage positive action by the Soviet authorities in other cases involving Soviet relatives of United States citizens.

Because of these considerations and because I believe it is in the best interests of the United States to have Mr. Oswald depart from the Soviet Union as soon as possible, I request that the Section 243(g) sanction be waived in Mrs. Oswald's case.

On May 4 Embassy Moscow telegraphed the Department to urge a decision on the Section 243(g) waiver as soon as possible. The Embassy reported that Oswald knew the petition for non-quota status for his

wife had been granted but that the question under Section 243(g) had not been discussed with him because of the possibility of reconsideration. The State Department thereupon urged the Immigration and Naturalization Service to reach its decision as soon as it could.

On May 9 the Deputy Associate Commissioner, Travel Control, of the Immigration and Naturalization Service, wrote to the Department that, in view of the strong representations made in the State Department's letter of March 27, the sanctions imposed pursuant to Section 243(g) of the Immigration and Nationality Act were waived on behalf of Mrs. Oswald. This decision was immediately communicated to the Embassy in Moscow and by the Embassy to Oswald.

Oswald's Passport Renewed and He Departs
from the Soviet Union - May - June 1962

On May 24, 1962, Oswald executed an application for renewal of his U. S. passport. The passport renewal was granted on the same day apparently pursuant to the authorization given by the Department in its memorandum of August 18, 1961. In accordance with that memorandum the passport, which was already stamped "valid only for direct return to the United States", was renewed for 30 days only. On May 31st Embassy Moscow reported that the Oswalds would leave Moscow on June 1. In accordance with the loan authorization the Embassy paid for steamship tickets on the S/S Maasdam for Oswald, his wife and their child costing a total of \$418.00 and arranged that the tickets be delivered in

Rotterdam. The Embassy also paid a portion of the cost of rail tickets for the Oswalds from Moscow to Rotterdam in the amount of \$17.71.

Oswald executed a promisory note at the Embassy in Moscow dated June 1, 1962 for a total of \$435.71.

Oswald in the United States - June 1962 - June 1963

The Oswalds arrived in New York on June 13, 1962. The Department had previously notified the FBI of the time and place of Oswald's arrival. This was in line with the practice followed throughout the Oswald case, as in other "defector" cases, whereby the State Department regularly informed the FBI of all developments.

The Oswalds apparently proceeded immediately to Texas. From August 13, 1962, through January 20, 1963, the Department received seven payments on the loan. The payments in August, September and October, in the amounts of \$10.00, \$9.71 and \$10.00 were mailed in Fort Worth, Texas, and the payment in November was mailed in Dallas. On December 11 the Department received payment of \$190 in two money orders mailed in Dallas. Another payment of \$100 was received on January 9, again by money order from Dallas. The final payment of \$106 was received on January 29, 1963, also from Dallas. Thus, Oswald repaid the Embassy loan in full over a period of seven months.

The Department did not again hear from Oswald until June 24, 1963, when he applied at the passport agency in New Orleans for a new passport.

In his application he listed his address as a post-office box in New Orleans and listed his aunt, Lilian Kurett, of New Orleans as the person to notify in the event of death or accident. Oswald listed "tourist" as the purpose of his trip. He said he proposed to depart by ship from New Orleans and to stay abroad from three months to one year. He listed England, France, Germany, Holland, USSR, Finland, Italy and Poland as countries to be visited. In answer to the clerk's question he stated that his occupation was photographer. The passport agency in New Orleans sent a telex to the Department, as it does on all passport applications, requesting name checks of the applicant. Since Oswald's name did not appear on the "Lookout Card" index file, the Passport Office in Washington telegraphed its approval to the agency in New Orleans, and Oswald received a new passport on June 25, 1963.

MEMORANDUM

LEE HARVEY OSWALD -- PASSPORTS

Oswald was issued a passport on September 10, 1959, in Los Angeles. Oswald turned this passport in to the American Embassy in Moscow in October, 1959, and it was returned to him in July, 1961. This passport was renewed for thirty days on May 24, 1962, while he was in Moscow. He received a new passport on June 25, 1963, in New Orleans. This memorandum analyzes the rules and procedures governing the issuance of passports and their application in Oswald's case.

The Secretary of State is empowered to issue and renew passports under 22 U.S.C. § 211a, and in the absence of statutory or other authority he cannot refuse to do so upon request. Passports can, of course, only be issued to persons holding allegiance to the United States. 22 U.S.C. § 212. Furthermore, Section 6 of the Internal Security Act prohibits the issuance of a passport to an individual if the issuing officer knows or has "reason to believe" he is a member of the Communist Party of the United States.

The Department's regulations provide that passports shall be refused to a person when it appears to the satisfaction of the Secretary of State that his activities abroad would:

"(a) Violate the laws of the United States; (b) be prejudicial to the orderly conduct of foreign relations; or (c) otherwise be prejudicial to the interests of the United States." 22 C.F.R. § 51.136

I. PROCEDURES

I. PROCEDURES FOR HANDLING PASSPORT APPLICATIONS

A. General

The following steps are taken prior to the issuance of every passport:

1. If the application is received by a Clerk of Court, it is forwarded to the Passport Office in Washington or to a local Passport Agency for adjudication.

2. When an application is received by the Passport Office or a Passport Agency, an adjudicator makes a determination whether the applicant is a United States citizen.

3. Passport Agencies forward to the Passport Office every applicant's name and date and place of birth by wire (TWX). The name of every passport applicant is checked against a "lookout file" in the Passport Office. If no "lookout card" is found for an applicant, the Passport Office authorizes the Agency by TWX to issue the passport (or the passport is issued by the Passport Office if the application was made in Washington). The procedures regarding the "lookout file" are described below:

4. If a Passport Agency, or the Passport Office, believes that a case may present a special problem, the applicant's file, if any, is referred to an appropriate division in the Passport Office.

B. Passport

B. Passport Office "Lookout File"

An IBM card file is maintained in the Passport Office containing the name, place of birth, and date of birth of approximately 250,000 individuals about whom the Passport Office has received information indicating that they may not be eligible or entitled to receive a passport. Each "lookout card" also indicates the date and reason for its preparation. These reasons are divided into 22 separate categories, such as loss of citizenship, passport fraud, parental objection to the issuance of a passport to a minor child, possible membership in the Communist Party of the United States, and non-payment of repatriation loans.

Unless a "lookout card" has been prepared on an individual, the Passport Office approves his application immediately, provided that he had properly completed the application, shown proof of his United States citizenship and paid the fee. This system enables the Passport Office to authorize issuance of passports to more than 99% of all applicants in a matter of hours.

Approximately 90% to 95% of the "lookout cards" are prepared because the individuals concerned may have lost their United States citizenship. These cards are included in the file at the direction of the division in the Passport Office which handles loss of nationality issues. Cards in the remaining categories are prepared at the direction of other divisions within the Passport Office, other offices within the State Department, and other agencies of the Federal

Government.

Government. The Federal Bureau of Investigation, for example, requests the addition of several hundred 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.

II. PASSPORTS GRANTED TO OSWALD

A. September 10, 1959 - Oswald applied for a passport on September 9, 1959 at the Los Angeles Passport Agency. His application stated that the purpose of his trip was to attend the college of Albert Schweitzer, Chur, Switzerland, and the University of Turku, Turku, Finland, and to visit other countries as a tourist. He listed these other countries as follows: Cuba, Dominican Republic, England, France, Switzerland, Germany, Finland, and Russia. At that time, the Department had no file on Oswald and no evidence that indicated any grounds for denial, and a passport valid for two years was routinely issued to him on September 10, 1959. It will be recalled that this action coincided with the time of his honorable discharge from active service in the Marine Corps.

Oswald turned this passport over to a United States consular officer in Moscow on October 31, 1959, when he stated that he wished to renounce his United States citizenship. (See separate memorandum, "Lee Harvey Oswald -- Expatriation")

B.

B. May 24, 1962 - On July 10, 1961 Oswald executed an application for a renewal of his passport before a United States consular officer in the American Embassy in Moscow in connection with his efforts to return to the United States. At the same time he filled out a questionnaire used by the Passport Office to determine whether an individual has expatriated himself.

A United States consular officer stamped Oswald's passport as valid for direct return to the United States only and returned it to him on July 10 so that he could apply for a Soviet exit visa. The Embassy reported at the time that:

"The possession of a foreign passport or similar travel document is typically a prerequisite to being permitted to file an application for a Soviet exit visa and it was felt that there was little prospect that Oswald could accomplish anything with the Soviet officials concerned unless he displayed his American passport." (Foreign Service Despatch dated July 11, 1961, from Embassy in Moscow to the Department of State)

Oswald had told the Moscow Embassy that he would not leave the U.S.S.R. without his wife and since there was virtually no chance that both he and his wife could have obtained exit visas prior to September 10, 1961 when his passport expired, the Embassy apparently felt that there was little chance that he could have used the passport to travel. The Embassy added in the Despatch referred to above that:

"It is not our intention to renew it without the Department's prior approval of the enclosed renewal application, and then only upon evidence of a present need for the renewal in connection with his efforts to return to the United States."

A "lookout card"

A "lookout card" was probably prepared on Oswald on the ground that he might have expatriated himself, but this cannot be determined with certainty and no such card is now in the "lookout file". A memorandum dated March 28, 1960 from the Department to the Embassy in Moscow states that a card was prepared, and the customary forms dated March 25, 1960 were completed directing the preparation of a card. The usual notation on such forms indicating filing of a "lookout card" was not made, however, nor was a notation placed on the slip that the card was withdrawn, also a usual practice.

On the basis of the questionnaire which Oswald had filled out, and after a review of his file, the Passport Office determined that he had not expatriated himself. (See separate memorandum, "Lee Harvey Oswald -- Expatriation"). On August 18, 1961 the Department authorized the Embassy in Moscow to renew his passport, for direct return to the United States only. If a "lookout card" was prepared on Oswald, on the ground of possible expatriation, it was probably removed at that time.

Oswald made a new application for renewal of a passport on May 24, 1962, and his passport was renewed the same day, but only for thirty days. Apparently this was done on the basis of the Department's earlier authorization. As previously noted, the Embassy had restricted Oswald's passport to use for direct return to the United States. And, in fact, Oswald did return directly to the United States.

C.

C. June 25, 1963 - Oswald applied for a new passport on June 24, 1963 at the Passport Office in New Orleans, Louisiana. His application indicates that his previous passport was cancelled and returned to him.

His application states that he intended to stay abroad for from three months to one year and to visit England, France, Germany, Holland, USSR, Finland, Italy and Poland.

As already noted, the Department had determined that Oswald had not expatriated himself in August 1961 in connection with his application for renewal of his passport in May 1962. There was no indication in the reports on Oswald sent to the Department by the Federal Bureau of Investigation that he was a member of the Communist Party. There is a "lookout card" category for individuals whose "actions do not reflect to the credit of the United States abroad," although not more than ten cards in this category are prepared each year. There was no request from any other agency for the preparation of a "lookout card" for this or any other reason after 1960.

According to the Department's procedures, a "lookout card" should have been prepared when Oswald received a repatriation loan in June 1962 (see separate memorandum, "Lee Harvey Oswald -- Repatriation Loan"), and this card would not have been removed from the file

the file until the loan was repaid. Normally, an individual's passport file would indicate if such a "lookout card" was prepared and there is no such indication in Oswald's passport file. In fact, however, his repatriation loan was repaid on January 29, 1963, five months prior to his application for a new passport.

For these reasons, no card on Oswald was in the "lookout file."

The New Orleans Passport Agency reported by TWX to the Department on June 24, 1963, that Oswald had applied for a passport. The "lookout file" was checked, no card was found, and the Department authorized the Agency to issue the passport on June 25, 1963, also by TWX. A passport was issued to Oswald on the same day.

MEMORANDUM

LEE HARVEY OSWALD -- EXPATRIATION

On October 31, 1959, Oswald appeared at the American Embassy in Moscow, handed over his United States passport to a consular officer, Mr. Richard E. Snyder, and stated to the officer that he wished to renounce his United States citizenship and that he had applied for Soviet citizenship.

The Department determined in August 1961, that Oswald had not expatriated himself. This memorandum considers the issues involved in that determination.

A United States citizen may lose his nationality by performing any one of the expatriating acts described in the subsections to Section 349(a) of the Immigration and Nationality Act of 1952. Only three of these subsections have any relevance in this case.

A. Oswald's Attempt to Renounce Citizenship -- Section 349(a)(6) of the Immigration and Nationality Act

Section 349(a)(6) provides that a United States national shall lose his nationality by:

"making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State;"

In accordance with this statute, the Secretary has set forth the requisite form and procedure which are embodied in 22 C.F.R.

section 50.1,

Sections 50.1, 50.2, and 8 Foreign Affairs Manual Section 225.6 (Exhibit). These regulations provide that four copies of the renunciation form are to be executed, and the original and one copy sent to the Department. After the Department has approved the form it advises the appropriate consular officer who may then furnish a copy of the form to the person to whom it relates.

Oswald gave Mr. Snyder the following signed, undated, handwritten statement:

"I Lee Harvey Oswald do hereby request that my present citizenship in the United States of America be revoked.

"I have entered the Soviet Union for the express purpose of applying for citizenship in the Soviet Union, through the means of naturalization.

"My request for citizenship is now pending before the Supreme Soviet of the U.S.S.R.

"I take these steps for political reasons. My request for the revoking of my American citizenship is made only after the longest and most serious considerations.

"I affirm that my allegiance is to the Union of Soviet Socialist Republics.

s/ Les H. Oswald"

Oswald was told by Mr. Snyder that he would have to come back on a later date to complete these forms. The Department officer who made this decision stated that he told

told Oswald that the Embassy was then closed and that the preparation of the documents would take some time, but that Oswald could accomplish his renunciation the following day, or at any other time he appeared when the Embassy was open. Mr. Snyder has stated in response to a recent inquiry by the Department that his real reason for this action was that:

"In my judgment common sense and sound professional practice advise against immediate action on requests for renunciation of citizenship where such action by consul might in effect abet individual acting out of sudden quixotic or irrational impulse or other transient influence to commit irrevocable act of serious consequence. This is a particular consideration in Moscow which is a magnet for certain defection-prone quixotic types of uncertain mentality and doubtful emotional stability. A further consideration is the potential political consequences which can result from renunciation by such a person not possessing permanent Soviet resident status. (Earlier Petrulli case illustrates points.)"

This advice

This advice by the consular officer was consistent with the Department's policy that consular officers are to make every effort to insure that individuals stating a desire to renounce their citizenship are sane and understand the seriousness and irrevocability of the act. Consular officers are generally instructed along these lines in orientation courses. It is common practice to delay accepting renunciation declarations in order to insure that the individual is not acting on a sudden impulse which he would later regret.

As noted in the above statement, the Moscow Embassy's experience with the case of Nicholas Petrulli illustrates the problems that can occur if such care is not taken. Mr. Petrulli executed an oath of renunciation of his United States citizenship on September 3, 1959, at the American Embassy in Moscow, less than two months before Oswald came into the Embassy. Later he attempted to repudiate this act. Furthermore, after his renunciation, an investigation of his medical background conducted in the United States indicated that he was not legally competent. On this basis the Department disapproved his loss of nationality certificate on October 13, 1959. This event was much in the mind of everyone in Moscow in dealing with Oswald.

On

On November 3, 1959, Oswald wrote to the American Embassy in Moscow requesting "that my present United States citizenship be revoked." In his letter he referred to his appearance at the Embassy on October 31 "for the purpose of signing the formal papers to this effect. This legal right was refused at that time." He stated that he wished to "protest this action," and that "my application requesting that I be considered for citizenship in the Soviet Union is now pending before the Supreme Soviet of the USSR. In the event of acceptance, I will request my government to lodge a formal protest regarding this incident." On November 6, 1959, the Department replied to Oswald's letter as follows:

"As you were informed at the time of your visit to the Embassy on October 31, 1959, it is a principle of the American Government that the right of expatriation is a natural and inherent right of any person and that the manner prescribed by law for renunciation of American citizenship is the execution of oath before a diplomatic or consular officer of the United States in the established form.

"You are again informed that you may appear at the Embassy at any time during normal business hours and request that the Embassy prepare the necessary documents for renunciation of citizenship. The Embassy hours are as follows: 9 a.m. - 1 p.m. and 2 p.m. - 6 p.m. on Monday, Tuesday, Thursday and Friday; 9 a.m. - 1 p.m. on Wednesday and Saturday."

The Embassy

The Embassy was not contacted further by Oswald concerning this matter. It is evident that he did not expatriate himself under Section 349(a)(6) because he did not make "a formal renunciation of nationality before a diplomatic or consular officer of the United States" in a form "prescribed by the Secretary of State."

B. Naturalization In A Foreign State -- Section 349(a)(1) of the Immigration and Nationality Act

Section 349(a)(1) provides that a United States citizen shall lose his nationality by:

"obtaining naturalization in a foreign state upon his own application, upon an application filed in his behalf by a parent, guardian, or duly authorized agent, or through the naturalization of a parent having legal custody of such person:"

Oswald wrote in the statement he delivered to Mr. Snyder on October 31, 1959 that he had applied for Soviet citizenship, although he later denied this. (Despatch dated July 11, 1961, from the American Embassy, Moscow, to the Department.) In 1961 he showed a United States consular officer a document issued by the Moscow City Government on January 14, 1960, which indicated that he never was declared a Soviet citizen.* There was, therefore, no basis on which a determination could have been made that Oswald expatriated himself under Section 349(a)(1).

C. Allegiance to a Foreign State -- Section 349(a)(2) of the Immigration and Nationality Act.

Section 349(a)(2) provides that a United States citizen shall lose his nationality by:

"taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof;"

In the signed statement which Oswald delivered to the American Embassy in Moscow on October 31, 1959, he wrote:

"I affirm

*After the assassination of President Kennedy, an official of the Soviet Ministry of Foreign Affairs stated to an officer of the American Embassy in Moscow that Soviet authorities had considered Oswald's application for Soviet citizenship, but had decided not to approve it because Oswald seemed unstable.

"I affirm that my allegiance is to the Union of Soviet Socialist Republics."

It might be argued that this statement is an "affirmation, or other formal declaration of allegiance to a foreign state" within the meaning of Section 349(a)(2). The Department of State has consistently held, however, that:

"for loss of nationality to result from taking an oath of allegiance to a foreign state, the oath must be one 'which is prescribed by law or by regulations having the force of law' and must be taken before a competent official of the government concerned." (III Hackworth Digest of International Law 218 (1942))

This position is supported by In Re Bautista's Petition, 183 F. Supp. 271 (D.C. Guam, 1960) in which the court held that petitioner's oath of allegiance to the Republic of the Philippines did not expatriate him because it was taken before a notary public and not an official of the Republic of the Philippines.

Similarly, the Board of Immigration Appeals held In the Matter of L-----, 1 Dec. Imm. and Nat. Laws 317 (1942), that the following affirmation did not expatriate the declarant:

"I do swear that I will be faithful and bear true allegiance to His Majesty, King George VI, his heirs and successors, according to law. So help me God." Id. at 318.

The Board

The Board held that the individual involved had not expatriated himself because the affirmation was:

"not made to the British Crown in accordance with any law or regulation of the British Government. On the contrary, the obligation was between the appellant on the one hand and a private employer on the other."
Id. at 320.

The Board further held that:

"An oath or formal declaration mentioned by the statute must mean not only the giving of the oath by the individual but the acceptance of that oath by the foreign state. An oath of allegiance has no real significance unless the oath be made to the state and accepted by the state. Such acceptance on the part of the state must be made in accordance with the laws of that state." Id. at 320.

Those cases in which an individual has been held to have expatriated himself have involved an oath, declaration, or affirmation before "a competent official of the government concerned" and were "prescribed by law or by regulations having the force of law."

In McC Campbell v.

In McCambell v. McCambell, 13 F.Supp. 847 (D.C.W.D. Ky. 1936), for example, the court held that the following oath, taken upon voluntarily joining the British Army, worked an expatriation under an earlier but substantially similar version of Section 349(a)(2):

"I . . . do make oath that I will be faithful and bear allegiance to His Majesty, King . . . his heirs and successors, and that I will, as in duty bound, honestly and faithfully defend his Majesty, his heirs and successors, his person, crown, and dignity against all enemies, and will observe and obey all orders of His Majesty, his heirs and successors, and all of the Generals and officers set over me, so help me, God." Id. at 848.

Similarly, in Reaume v. United States, 124 F.Supp. 851, 852 (D.C.E.D. Mich. 1954), the Court held that the following declaration made upon voluntarily entering the Royal Canadian Navy expatriated the individual who made it under the same statute:

"I . . . do sincerely promise and swear (or solemnly declare) that I will be faithful and bear true allegiance to His Majesty."

Furthermore, even apart from the requirement that an oath, declaration, or affirmation must, to result in expatriation, be made before "a competent official of the government concerned"

concerned' and be "prescribed by law or by regulation having the force of law," it has been held the oath, declaration, or affirmation must also place

"the person taking it in complete subjection to the state to which it is taken, at least for the period of the contract, so that it is impossible for him to perform the obligations of citizenship to this country."

Jalbuena v. Dulles, 254 F.2d 379, 381 n.2 (3d Cir. 1958), quoting Secretary of State Hughes, III Hackworth, Digest of International Law 219-20 (1942); adopted in In Re Bautista's Petition, supra, at 275. Oswald's statement could not reasonably be interpreted to have placed him "in complete subjection to" the U.S.S.R.

For these reasons, it could not be held that Oswald expatriated himself under Section 349(a)(2) by his October 31, 1959 statement, and the Department has no evidence that he made any other oath or declaration of allegiance to the U.S.S.R.

LEE HARVEY OSWALD -- ISSUANCE OF VISA TO WIFE,
MRS. MARINA NICHOLAEVNA OSWALD

Sometime in May 1962 the United States Consulate in Moscow issued a non-quota immigrant visa to Mrs. Oswald. Shortly thereafter she accompanied Lee Oswald to the United States, together with their infant daughter. The Oswald family arrived in New York on June 13, 1962. There is no question that Mrs. Oswald, as the wife of a United States citizen, was entitled to non-quota status under Section 205 of the Immigration and Nationality Act. However, issuance of an immigrant visa to Mrs. Oswald in Moscow required determinations under two other provisions of the Immigration and Nationality Act -- Section 212(a)(28), which provides that aliens who are members of or affiliated with communist organizations are inadmissible; and Section 243(g), prohibiting the issuance of immigrant visas by Consuls in the territory of countries which have refused to accept the return of persons sought to be deported from the United States. The procedures governing these determinations are discussed in this memorandum.

1. Section 212(a)(28) - Membership in a Communist Organization

When the visa application of Mrs. Marina N. Oswald was received, the State Department ran a file check on her, as it does on all visa applicants, with the CIA, the FBI and the Department's Security Office, Division of Biographic Intelligence and the Passport Office. All of these reports were negative on the question raised by section 212(a)(28).

The only information pertinent to section 212(a)(28) was furnished by Embassy Moscow, namely that Mrs. Oswald had since 1957 been a member of the Soviet Trade Union for Medical Workers. Mrs. Oswald had

(Page 3 of this document contains classified information.)

graduated from the Pharmaceutical Technical Institute in Leningrad in 1959, and since her graduation lived in Minsk, where she was employed as a laboratory assistant in the Klinincheskaya Hospital. Membership in the Trade Union for Medical Workers was apparently required for her employment in the hospital. As stated in the Operations Memorandum from Embassy Moscow to the Department, dated August 28, 1961, "such membership is routinely considered to be involuntary under section 212(a)(28)(I)(i) of the Act".

Section 212(a)(28)(I)(i) of the Immigration and Nationality Act provides in pertinent part that:

any alien who is within any of the classes described in subparagraphs (B), (C), (D), (E), (F), (G), and (H) of Section 212(a)(28) because of membership in or affiliation with a party or organization or a section, subsidiary, branch, affiliate, or subdivision thereof, may, if not otherwise ineligible, be issued a visa if such alien establishes to the satisfaction of the consular officer when applying for a visa and the consular officer finds that (i) such membership or affiliation is or was involuntary, or is or was solely when under sixteen years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and where necessary for such purposes ...

Embassy Moscow, with the concurrence of the Department, found that Mrs. Oswald's membership in the Medical Workers Union came under the exception in Section 212(a)(28)(I)(i). This finding is consistent with a long-standing interpretation concurred in by the State and Justice Departments that membership in a professional organization or trade union behind the Iron Curtain is considered involuntary unless

the membership is accompanied by some indication of voluntariness, such as active participation in the organization's activities or holding an office in the organization. State-Justice agreement on this interpretation is reflected in a record of formal conference between the Visa Office and the Immigration and Naturalization Service on July 14, 1955. That interpretation is currently embodied in the Confidential Appendix, Appendix A, to the Visa Regulation of the Department, 22 C.F.R. 42.91(a)(28), Note 3, last issued on December 9, 1960. Paragraph 3.3 reads as follows:

3.3 Membership in mass organizations

Rank and file membership in proscribed mass organizations in Communist and Communist-controlled countries may in general, if police repression or political or economic discrimination is or was the coercive factor bringing about such membership, be considered involuntary within the meaning of section 212(a)(28)(I)(i) of the Act unless the alien actively participated in the organization's activities or joined or remained connected with it because of political or ideological conviction. When an alien is refused a visa because of voluntary membership in a proscribed organization of this type the report submitted to the Department pursuant to Appendix A, 22 CFR 42.130, Note 1, should show the circumstances leading to the decision.

2. Section 243(c) - Issuance of Immigrant Visas in Moscow

On May 26, 1953, the Department of State transmitted to the United States Mission in Moscow a communication from the Deputy Attorney General stating that the Attorney General had invoked Section 243(g) as the result of failure by the Soviet Union to accept the return of aliens deported or sought to be deported from the United States.

Begin
Confidential

End
Confidential

Accordingly, Consular Officers were instructed to discontinue the issuance of immigrant visas until advised by the Department of State to the contrary. It should be noted that Section 243(g), when invoked by the Attorney General, applies to a country, or more specifically to United States Consular Officers stationed in such countries. The section does not create ineligibility for any particular alien or class of aliens, but was designed to exert pressure on countries which failed to receive deportees from the United States. In fact, any person precluded from receiving an immigrant visa because of the application of Section 243(g) may proceed to a United States Consulate in another country where the sanctions are not in effect, and receive an immigrant visa if otherwise qualified.

Section 243(g) does not contain any provision for waiver. However, the Justice Department has considered that such waiver powers existed under the general powers of the Attorney General granted by the Act. Conferences were held by the Departments of State and Justice from time to time since the statute had become applicable relating to procedures for handling Section 243(g) cases and policies in granting waivers. In fact, despite the application of Section 243(g), 661 immigrant visas were issued in Moscow in the ten-year period ending June 30, 1963. In FY 1962, 97 immigrant visas were issued in Moscow, and in FY 1963 102 such visas were issued.

In general, the policy for granting waivers of the prohibitions of Section 243(g) was that the statute would be waived in order to prevent separation of families, i.e., it would be waived in the case of persons eligible for non-quota or first preference visas. This policy is currently reflected in Part III of the Department of State's Visa Handbook, 22 C.F.R. 42.120, Procedural Note 2, last issued on February 15, 1961. Note 2 states:

2. Waivers of sanctions imposed under section 243(g) of the Act.

2.1 Sanctions under section 243(g) of the Act are currently in effect against persons residing in Czechoslovakia, Hungary, and the Union of Soviet Socialist Republics. The sanctions will be waived only in individual meritorious cases in behalf of a beneficiary of a petition filed by a reputable relative pursuant to section 101(a)(27)(A), or paragraphs (2), (3), or (4) of section 203(a) of the Act. The waiver may also be granted for an alien residing in Hungary on whose behalf a petition has been approved under section 203(a)(1) of the Act. The endorsement "Beneficiary(ies) granted waiver(s) of sanctions imposed under section 243(g) of the Act" will be inserted on approved petitions and forwarded to the respective consular posts. The grant of a waiver of sanctions to the beneficiary of an approved petition automatically includes the spouse and children of the beneficiary. (Amended 2-15-61)

2.2 In cases where a petition was previously approved by the Service without a waiver, the consular officer should forward a request for a waiver, in duplicate, direct to the approving district office. Such request will be processed by the Service, the decision endorsed thereon, and a copy returned directly to the consular post. If in any case there is special urgency in obtaining a 243(g) waiver because of the date of expiration of the individual's exit permit, the request for waiver should clearly state the date of expiration of the exit permit and indicate the name of the petitioner in the United States who should be asked to defray the cost of telegraphic notification if that appears to be necessary.

The statutory procedure for handling petitions for non-quota or preference status by reason of relationship calls for a determination of eligibility for such status by the Attorney General, and the responsibility for making such determinations has been delegated by the Attorney General to the District Directors of the Immigration and Naturalization Service. Since in the Oswald case the relative (husband) making the petition for non-quota status was in Moscow at the time of the application, the petition was forwarded by the Embassy in Moscow through the State Department to the District Director in San Antonio, Texas, the office having jurisdiction over Oswald's domicile in the United States. In accordance with the procedure worked out between the State and Justice Departments and reflected in Procedural Note 2.1 quoted above, the District Director was to note his determination as to a waiver of Section 243(g) at the same time as he made his determination of eligibility for non-quota status under Section 205(a).

In the Oswald case, the District Director of the Immigration and Naturalization Service informed the Visa Office of the State Department by letter of February 23, 1962 that the petition for non-quota status had been approved, but that waiver of the sanction under Section 243(g) was not authorized. No reason for disapproval of the waiver was stated in the District Director's letter, but it is clear from the internal

order of the Immigration and Naturalization Service that the refusal to authorize the waiver was based on Oswald's statements and attitude while in the Soviet Union. The District Director considered that neither Oswald, nor a person making an application by reason of relationship to him, was entitled to any special or discretionary benefits. The substance of the Immigration and Naturalization Service communication was transmitted by the Department of State to the United States Embassy in Moscow.

On March 16, the Soviet Affairs Office of the State Department advised the Visa Office of the Department as follows:

SOV believes it is in the interest of the US to get Lee Harvey Oswald and his family out of the Soviet Union and on their way to this country as soon as possible. An unstable character, whose actions are entirely unpredictable, Oswald may well refuse to leave the USSR or subsequently attempt to return there if we should make it impossible for him to be accompanied from Moscow by his wife and child.

Such action on our part also would permit the Soviet Government to argue that, although it had issued an exit visa to Mrs. Oswald to prevent the separation of a family, the United States Government had imposed a forced separation by refusing to issue her a visa. Obviously, this would weaken our Embassy's position in encouraging positive Soviet action in other cases involving Soviet citizen relatives of US citizens.

This representation was in accord with the Department's established policy of trying to obtain permission from the Soviet government for persons having claim to American citizenship and close relatives of American citizens to leave the Soviet Union to join their families in the United States.

Thereupon, on March 27, 1962, the Acting Administrator, Bureau of Security and Consular Affairs, addressed a letter to the Commissioner of the Immigration and Naturalization Service, Department of Justice, requesting reconsideration of the decision not to waive the provisions of Section 243(g) in the case of Mrs. Oswald. The text of the Department's letter is as follows:

The case of Mrs. Marina H. P. Oswald has been brought to my attention. Mrs. Oswald is the wife of Mr. Lee Harvey Oswald, an American citizen, and is applying for an immigrant visa at the Embassy at Moscow. She has been granted exit documentation by the Soviet authorities and the Embassy is prepared to consider her case under the provisions of Section 212(a)(28)(1)(1) of the Immigration and Nationality Act.

However, the Department has now been informed by the District Director of your Service at San Antonio that, while the petition granting Mrs. Oswald nonquota status for immigrant visa purposes has been approved, the sanction against the issuance of immigrant visas in the Soviet Union imposed pursuant to Section 243(g) of the Act will not be waived. I should like to request your reconsideration of that decision.

I appreciate the difficulty this case presents for your Service, because of Mr. Oswald's background, and the fact that granting a waiver of the sanction makes it appear that this Government is assisting a person who is not altogether entitled to such assistance. However, if the Embassy at Moscow is unable to issue Mrs. Oswald a visa, it would appear that she and indirectly the Oswalds' newborn child are being punished for Mr. Oswald's earlier indiscretions. I might also point out that this Government has advanced Mr. Oswald a loan of \$500.00 for repatriation.

More important, however, is the possibility that if Mrs. Oswald is not issued a visa by the Embassy, the Soviet Government will be in a position to claim that it has done all it can to prevent the separation of the family by issuing Mrs. Oswald the required exit

permission, but that this Government has refused to issue her a visa, thus preventing her from accompanying her husband and child. This would weaken the Embassy's attempts to encourage positive action by the Soviet authorities in other cases involving Soviet relatives of United States citizens.

Because of those considerations and because I believe it is in the best interests of the United States to have Mr. Oswald depart from the Soviet Union as soon as possible, I request that the Section 243(g) sanction be waived in Mrs. Oswald's case.

After a number of telephone conversations between the State Department and the Immigration and Naturalization Service, the INS replied by letter of May 9 and agreed to waive the sanction of Section 243(g). The text of the INS letter of May 9, 1962 is as follows:

The Service file relating to the case of Mrs. Marina N. P. Oswald, subject of your letter of March 27, 1962, has been carefully reviewed in this office.

On February 28, 1962, the District Director at San Antonio wrote the Assistant Director of the Visa Office that he declined to waive in Mrs. Oswald's case the sanctions against the issuance of immigrant visas in the Soviet Union imposed pursuant to Section 243(g) of the Immigration and Nationality Act. Your letter states that preventing Mrs. Oswald from accompanying her husband and child to the United States would weaken the attempts of the Embassy in Moscow to encourage positive action by the Soviet authorities in other cases involving Soviet relatives of United States citizens. Your letter also states that waiving of sanctions in behalf of Mrs. Oswald would be in the best interests of the United States.

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

As the above-quoted exchange of letters indicates, the waiver of Section 243(g) in the case of Mrs. Oswald was not handled as a routine matter. Persons in the State Department who regularly deal with consular problems arising in Iron Curtain countries state that refusals to grant waivers in Section 243(g) cases involving close personal relationships were very rare and that the State Department requested reconsideration in each of these cases by the Immigration and Naturalization Service Central Office. The reason for Department concern was the desire to obviate the necessity for the spouses of American citizens to travel to a third country to receive a visa for which they were otherwise qualified under the law. Equally important was the Department's concern not to offer the Soviets an excuse for refusing exit permits to other spouses of American citizens.

MEMORANDUM

LEE HARVEY OSWALD -- REPATRIATION LOAN

On June 1, 1962, Oswald received a repatriation loan from the American Embassy in Moscow to enable him and his wife and child to return to the United States. The amount of Oswald's loan was \$435.71, and it was in the form of three steamship tickets from Rotterdam to New York plus a small portion of the cost of railway tickets from Moscow to Rotterdam. Oswald repaid the full amount of the loan in installments. A schedule of the installments is attached. (Exhibit 1) This memorandum analyzes the authorities and procedures under which this loan was granted.

I. STATUTORY AUTHORITY

5 U.S.C. § 1701 authorizes the Secretary of State to:

"(a) make expenditures, from such amounts as may be specifically appropriated therefor, for unforeseen emergencies arising in the diplomatic and consular service and, to the extent authorized in appropriation Acts, funds expended for such purposes may be accounted for in accordance with section 107 of Title 31"

Since 1947 the Department of State's annual Appropriation Act has included a sum "for expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and

Consular

Consular Service, to be expended pursuant to the requirement of Section 291 of the Revised Statute (31 U.S.C. 107)." In recent years, the accompanying House Reports state that:

H. Rep 366

sub "These funds are used for relief and repatriation loans to United States citizens abroad and for other emergencies of the Department. Repayments of the loans are deposited in miscellaneous receipts of the Treasury."

H.R. 3311 28th 1st 1947

For fiscal years 1962 and 1963, Congress appropriated

E.g. H. Rep 442 87th Cong 1st Sess (1961) 28th 1st H.R. 7063

Cite

\$1,500,000 for these purposes. Between 1953 and 1962 the sum appropriated annually for these purposes had been \$1,000,000. From these amounts the Secretary of State has annually allotted approximately \$100,000 to meet the expenses of repatriation of indigent United States nationals who request repatriation loans. A chart showing a breakdown of expenditures from this allotment for the past five years is attached. (Exhibit 2)

7371 87th 1st H.R. 442

II. REGULATIONS GOVERNING PROCEDURE

Under the Department's regulations repatriation loans to destitute United States nationals are authorized by the Department only when:

"a. Investigation shows that the United States national will suffer undue hardship if he does not return to the United States, that he is without relatives or friends either abroad or in the United States who are able and willing to assist him financially, and that he is unable, through employment or otherwise, to obtain funds for support or for

return

return passage (an initial telegram may be sent to relatives or friends in the United States through the Department at Government expense); or

"b. The United States national is in or is the cause of a situation which is damaging to the prestige of the United States Government or which constitutes a compelling reason for extending assistance to effect his return." (7 FAM § 423.1-2)

The Department considered that Oswald's continued presence in Russia was damaging to the prestige of the United States because of his unstable character and prior criticisms of the United States. The provisions of subsection "b" were, therefore, applicable. The Department sought, however, in accordance with subsection "a," to obtain funds for the Oswalds' repatriation from both Oswald's mother and from the International Rescue Committee. Neither effort was successful.

These regulations further provide that repatriation loans may be granted only to United States nationals:

"a. Who are in complete and unquestioned possession of their citizenship rights;

"b. Who are entitled to receive United States passports;

"c. Whose loyalty to the United States Government is beyond question, or to whom the provisions of section 423.1-2(b) apply." ["The United States national is in or is the cause of a situation which is damaging to the prestige of the United States Government or which

constitutes

constitutes a compelling reason for extending assistance to effect his return."} (7 FAM § 423.2-1)

Oswald met the requirements of subsections "a" (see separate memorandum, "Lee Harvey Oswald -- Expatriation") and "b" (see separate memorandum, "Lee Harvey Oswald -- Passports"). As for subsection "c," the provisions of Section 423.1-2(b) applied, as noted above.

The Department's regulations provide that all repatriation loans must be approved by the Department (7 FAM § 423.3-1), and that prior to approval of any loan the Department will first endeavor to obtain funds from the individual's family or other private sources.

(7 FAM § 423.3-2) Both of these requirements were met in the Oswald case. Loans are limited:

"to the minimum amount required to cover transportation and subsistence while en route to the nearest continental United States port The cost of transportation shall be limited to third-class passage by ship; loans shall not be granted to cover travel by air except:

- "a. In cases of emergency; or
- "b. When no other means of transportation by surface route added to unavoidable expenditures while awaiting embarkation exceeds the cost of air travel." (7 FAM § 423.3-3)

Oswald's loan was sufficient to cover only the least expensive transportation from Moscow to New York.

Repatriation

Repatriation loans are also authorized (and were granted in the Oswald case) for the alien wife and children of a United States national receiving a repatriation loan, in order to avoid division of families. (7 FAM § 423.3-5)

Each applicant for a repatriation loan is required to sign an application setting forth the following information (Oswald's responses are in brackets):

- "1. Your name in full. [Lee Harvey Oswald]
- "2. Place and date of birth. [New Orleans, La. Oct. 18, 1939]
- "3. Number, place, and date of issue of your last passport. [No. 1733242, Los Angeles, Calif., Sept. 10, 1959]
- "4. Periods and places of residence in the United States, and periods, places and purpose of residence abroad. [1950-1956 Ft. Worth, Texas, 1956-1959; U.S. Marine Corps Active, Duty Stations; Los Angeles, Calif., Atsugi, Japan, Sugi Bay, Philippines, Is., 1959-1962, Minsk, U.S.S.R. residence]
- "5. Previous means of livelihood, or support, including occupation, salary, when terminated, and name and address of last employer. [Active Duty U.S. Marine Corps, Radar Operator, Rank E1-E2, Active Duty Terminated Sept. 10, 1959, Honourable Discharge Received]
- "6. Full name, age, relationship, and nationality of dependents who will travel with you. [Marina N. Oswald, Wife, Russian; June Lee Oswald, Daughter, American]
- "7. Personal funds or property in the United States or abroad, estimate of amount, exact location and person or institution in charge of them. [None]
- "8. Efforts

- "8. Efforts made to obtain funds from private sources and the results thereof. [Petition for donations to, International Rescue Committee, 251 Park Ave., South New York, N.Y. I have not been notified of the result of petition]
- "9. Any previous advances of United States Government funds received (indicate amount, from whom and when).. [None]
- "10. Estimated amount which you and your dependents will require for repatriation (expressed in dollars). Please note that it is necessary to indicate just how much of the cost of your return trip you can pay yourself. [\$300.00 (\$200.00 can be paid by myself)]
- "11. Names and addresses of relatives, friends, employers or other interested organizations which may be asked to provide funds for you and your dependents. [International Rescue Committee, 251 Park Ave., N.Y., N.Y.]
- "12. Permanent or last address in the United States to which you desire to return. [7313 Davanport St., Ft. Worth, Texas]."

Oswald was also required to sign the following affirmations:

"I solemnly declare that I am a loyal United States national, that I have not lost my citizenship and that all the statements in this application are true. I hereby apply for a loan of the United States Government funds for repatriation for myself and my dependents herein named. I promise to repay all funds that may be advanced to me, and to keep the Department of State, Washington, D.C., informed of my address after my arrival in the United States until such time as the loan is repaid in full."

The current form of this affirmation states in addition that the applicant is destitute and will not be furnished a passport until his loan is repaid. (7 FAM 423.5-2)

Each

Each recipient of a repatriation loan is required to sign a promissory note by which he promised to repay without interest, to the Treasurer of the United States, upon demand, the amount of his repatriation loan. The note also states:

"I further understand and agree that after my repatriation I will not be furnished a passport for travel abroad until my obligation to reimburse the Treasurer of the United States is liquidated."
(7 FAM § 423.6-5)

A copy of Oswald's note is attached. (Exhibit 3)

All passports of persons receiving repatriation loans are required to be stamped as valid only for return to the United States.

(7 FAM § 423.7-1)

III. GENERAL PROCEDURES

United States nationals such as Oswald who request repatriation assistance abroad apply for such assistance to consular officers at American Embassies or Consulates. A consular officer interviews each applicant to insure that the applicant is a United States citizen and is destitute. The applicant must execute the application form referred to above before the consular officer. The original application is then normally forwarded to the Department by pouch and is processed by the Office of Special Consular Services (SCS) in the Bureau of Security and Consular Affairs (SCA). The Department may authorize a loan in advance of receipt of the executed application form, as in the Oswald case, when the facts are already known to the Department.

Each

Each case is reviewed in the Protection and Welfare Division of SCS to insure compliance with the regulations referred to above and determine whether funds are available from any other sources, such as relatives, friends, employers, or other interested organizations.

In cases in which political questions are involved, such as when a foreign government has requested the removal of the applicant, and in all cases such as Oswald's which involve repatriation from the U.S.S.R. or Bloc countries, clearance by the political desk involved is obtained. In the Oswald case, the Office of Soviet Affairs supported the grant of a loan.

If funds are not available from other sources, the Department acts on the application for the repatriation loan, and informs any other agency which may be concerned or have evidenced interest. In the Oswald case, the Department informed the FBI on March 27, 1962, that Oswald had applied for a repatriation loan and that the loan had been authorized.

When a post receives approval of a loan, it obtains a promissory note from the applicant in the form referred to above and makes the funds or transportation tickets available. The promissory note is sent by the post to the Department for collection. The Department's Office of Finance thereafter undertakes to obtain repayment of the loan. These procedures were followed in the Oswald case.

EXHIBIT 1

LEE HARVEY OSWALD -- EMERGENCY LOAN RECORD

JUNE 1, 1962

Promissory note executed at American Embassy in Moscow in total of \$435.71 for transportation Moscow-New York.

AUGUST 13, 1962

Received \$10.00 (cash) from Oswald, 2703 Mercedes Street, Ft. Worth, Texas. Posted August 14, 1962.

SEPTEMBER 5, 1962

Received \$9.71 (money order) from Oswald, 2703 Mercedes Street, Ft. Worth, Texas. Posted September 6, 1962.

OCTOBER 10, 1962

Received \$10.00 (postal money order) from Oswald, 2703 Mercedes Street, Ft. Worth, Texas. Posted October 11, 1962.

NOVEMBER 19, 1962

Received \$10.00 (postal money order) from Oswald, Box 2915, Dallas, Texas. Posted November 20, 1962.

DECEMBER 11, 1962

Received \$190.00 (two postal money orders) from Oswald, Box 2915, Dallas, Texas. Posted December 12, 1962.

JANUARY 9, 1963

Received \$100.00 (postal money order) from Oswald, Box 2915, Dallas, Texas. Posted January 10, 1963.

JANUARY 29, 1963

Received \$105.00 (two money orders) from Oswald, Box 2915, Dallas, Texas. Posted February 7, 1963. PAID IN FULL.

	<u>Total - Repst. Loans (Including Subsistence)</u>	<u>No. of Loans</u>	<u>Aver. Amt. of Loans *</u>	<u>U.S.S.R.</u>
FY 1959	\$79,343.45	453	\$175.00	none
FY 1960	69,206.19	401	172.00	none.
FY 1961	75,106.93	553	136.00	1 (440.35)
FY 1962	84,684.62	475	178.00	1 (435.71)
FY 1963	<u>88,460.13</u> 132	461 343	192.00	1 (445.00)
FY 1964	**	**	**	2 (1,125.22)

* Rounded off to nearest even dollar. Some loans include more than one person.

** Not yet available.

12/4/63

June 1, 1962

PROMISE TO REPAY FINANCIAL ASSISTANCE LOAN FOR REPATRIATION

I, Lee Harvey OSWALD, upon receipt of transportation tickets for myself, my wife, and my daughter for transportation from Moscow to New York, purchased on my behalf by the American Embassy, Moscow, do obligate myself to repay without interest to the Treasurer of the United States upon demand, in legal tender of the United States, the cost of these tickets, minus the contribution which I made toward their cost.

The cost of the transportation is as follows:

- | | |
|--|---------------|
| (1) Steamship tickets - Rotterdam-New York
(\$199 per adult, \$20 for infant) | \$418 |
| (2) Rail tickets - Moscow-Rotterdam
(52.97 Rubles per adult) | 105.94 Rubles |

I have contributed 90 Rubles toward the price of the rail tickets. Hence my obligation is \$418 plus \$17.71, the dollar equivalent of 15.94 Rubles, making a total of \$435.71.

I understand that my obligation to repay the sum herein stated will not be discharged until the Treasurer of the United States actually receives in legal tender of the United States full repayment of that sum.

I further understand and agree that after my repatriation I will not be furnished a passport for travel abroad until my obligation to reimburse the Treasurer of the United States is liquidated.

Repayment of the amount of this loan may be obtained by the Department of State from any monies now or hereafter due me from the Veterans Administration or other agency of the United States Government.

Local address: Hotel Berlin, Moscow, USSR

United States address: 7313 Davenport Street, Fort Worth, Texas.

WITNESS:

Lee Harvey Oswald
Lee Harvey Oswald

Wilfred C. Williams
Wilfred C. Williams
American Embassy
Moscow, USSR

DEPARTMENT OF JUSTICE
ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	Mr. Mosk			
2.				
3.				
4.				

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|---|---|---|
| <input type="checkbox"/> SIGNATURE | <input type="checkbox"/> COMMENT | <input type="checkbox"/> PER CONVERSATION |
| <input type="checkbox"/> APPROVAL | <input type="checkbox"/> NECESSARY ACTION | <input type="checkbox"/> AS REQUESTED |
| <input type="checkbox"/> SEE ME | <input type="checkbox"/> NOTE AND RETURN | <input type="checkbox"/> NOTE AND FILE |
| <input type="checkbox"/> RECOMMENDATION | <input type="checkbox"/> CALL ME | <input type="checkbox"/> YOUR INFORMATION |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ | | |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ | | |

REMARKS:

From H.E. Hoffman, Department of Justice.

find sa youngstown case - 343 U.S. 579

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	<i>521 HARR L</i>	<i>Room 252</i>	

UNITED STATES GOVERNMENT

Memorandum

TO : Nicholas deB. Katzenbach
Deputy Attorney General

DATE: NOV 29, 1963

FROM : Leon Ulman, Second Assistant
Office of Legal Counsel

SUBJECT: H.R. 9232, 9233, 9236, 9237, 9240, 9246,
S. 2330, 2331, 2332, 2340, bills to amend
Title 18 U.S.C. to punish violence against
certain federal officials.

VELMA L. OGG
ROOM 4121

In the absence of Messrs. Schlei and Reis I am responding to your urgent request for the views of this Office on the constitutionality of the above-numbered bills. The time available has, of course, not permitted us to make a comprehensive study of the constitutional problems involved.

Existing law: 18 U.S.C. §§ 1111 and 1112 define murder and manslaughter, and provide penalties for each. 18 U.S.C. § 1114 (Supp. 1963) applies these penalties to the killing of certain federal officers while in the performance of their official duties. Those protected are primarily concerned with direct law-enforcement functions. 1/ High officials such as the President, Vice-President, Department

1/ § 1114. Protection of officers and employees of the United States.

Whoever kills any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any post-office inspector, any officer or employee of the secret service or of the Bureau of Narcotics, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correctional institution, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigration officer, any officer or employee of the Department of Agriculture, or of the Department of the Interior designated by the Secretary of

(Cont'd)

heads or Congressmen are not included. Section 111 of Title 18 provides penalties for assaults on any of the officers named in § 1114 while engaged in the performance of official duties.

The President, the Vice-President "or other officers next in the order of succession" to the Presidency, as well as the President-elect and Vice-President-elect, are protected against any threat of bodily harm by 18 U.S.C. § 871.

Summary of bills: The ten named bills fall into three general classes. The first class, which includes H.R. 9232, 9236, 9240 and S. 2331, makes a federal crime only attacks on the President and Vice-President. 2/ The second class,

1/ (Cont'd.) Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, the Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty, in the field service of the Bureau of Land Management, any employee of the Bureau of Animal Industry of the Department of Agriculture, or any officer or employee of the Indian field service of the United States, or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under sections 1111 and 1112 of this title.

2/ S. 2331 in addition names the Chief Justice, who is already included in § 1114 as a "judge of the United States."

which includes S. 2330 and 2340 and H.R. 9237, provides penalties in addition for violence against the heads of Executive departments (H.R. 9237) or persons eligible for succession to the Presidency under 3 U.S.C. 19 (Speaker of the House, President Pro Tem of the Senate, Secretaries of State, Treasury, Defense, Attorney General, Postmaster General, Secretaries of Interior, Agriculture, Commerce, and Labor) (S. 2330 and 2340). The third class, consisting of H.R. 9233 and 9246, and S. 2332, includes members of Congress in the protected group. Of this class, H.R. 9233 includes also all persons appointed by the President with the advice and consent of the Senate. H.R. 9246 and S. 2332 include heads of Departments.

The bills can be separated on other points of difference. Some (H.R. 9232, 9233, 9236, 9237, and 9246) merely add the protected officials to existing § 1114, and thus relate to homicide and assault. Others (H.R. 9240, S. 2330, 2331, 2332, 3/ and 2340) also denominate attempts or conspiracies to commit violence against the named officers as federal crimes.

Further, those which utilize § 1114 relate only to violence done to officers while engaged in, or on account of, their performance of official duties. By contrast, those which do not rely on that section are not limited by reference to official duties.

Discussion: The central constitutional question as to each of the bills is whether they are within the power of the federal government to enact; that is, how far the United States may make criminal and punish violence against its officers. In re Neagle, 135 U.S. 1 (1890), strongly implies that the United States may take any "necessary and proper" steps to safeguard its interests in the safety of its officers. Ex parte Siebold, 100 U.S. 371 (1879), holds that in protecting an admitted federal interest (there federal elections), Congress may exercise, either exclusively or concurrently, the power to keep the peace normally exercised by the States. And the constitutionality of present § 1114 was upheld without discussion in Barrett v. United States, 82 F.2d 528 (7th Cir. 1936).

3/ Although drafted as amendments to § 1114, S. 2330, S. 2331, S. 2332 and S. 2340 are in effect independent of present § 1114 and are therefore treated as creating new sections.

As a general proposition, then, the United States may validly make criminal and punish violence to its officers while in the performance of their duties, or in connection with those duties (e.g., revenge for official acts as in Neagle). But whether it may punish violence which is disassociated from official duties performed by a federal officer may be less clear. And, if such a line is drawn, it is not clear what falls within "official duties."

Three cases have considered whether certain acts may be punished even though no connection with the officials' duties may be shown. As noted above, 18 U.S.C. § 871 proscribes any threats against the President, Vice-President or other successor, or the President or Vice-President Elect. In United States v. Metzdorf, 252 Fed. 933 (D. Mont. 1918), an indictment under this statute was held defective for failing to allege that the threat in question had been made against the President in his official capacity. The court reasoned that Congress could constitutionally protect only federal officers, and thus could protect them only as officers, and not in their private capacity. In United States v. Apel, 44 F. Supp. 492 (N.D. Ill., 1942), however, this reasoning was rejected in favor of that expressed in United States v. Jasick, 252 Fed. 931, 933 (E.D. Mich., 1918). Jasick held that whatever intent lay behind the threats, or whether communicated to the President or not, they were per se "a menace to the peace and safety of the country," and "a breach of the peace and incitement to disorder and violence." From this the Apel court apparently drew the principle that ^{threats} acts against the President, whether done for public or private reasons, were public in effect, and could therefore be proscribed and punished by the United States.

In the nuclear age this reasoning seems clearly correct, at least as applied to the President and his immediate successor. That each is constantly on call by the national security agencies is widespread knowledge. Thus a statute punishing violence against them "in the course" of their official duties would in effect apply in every case.

As applied to Congress and the heads of Executive departments, however, this result is not so clear. The Court in In re Neagle, supra, felt bound to make an exhaustive examination of whether a Justice, going from place to place within his circuit, was engaged in his official duties. It might well be questioned whether a Congressman or Secretary of the Interior, for example, would be engaged in official duties while on vacation, or attending a party in New York (though mere presence in Washington, if compelled by duty, might qualify as official, cf. In re Neagle, supra).

The constitutionality of the bills which punish violence against officials other than those (such as the President) constantly on call thus turns on whether their protection is "necessary and proper" to the functioning of government or the exercise of any of its powers, Const., Art. I, § 8, cl. 18.

This clause has received an expansive construction. Under the "necessary and proper" clause "the choice of means . . . presents a question primarily addressed to the judgment of Congress. If it can be seen that the means adopted are really calculated to obtain the end, the degree of their necessity, the extent to which they conduce to the end, the closeness of the relationship between the means adopted and the end to be attained, are matters for congressional determination alone." Burroughs and Cannon v. United States, 290 U.S. 534, 548 (1934).

It is also settled that "[W]hen it is necessary in order to prevent an evil to make the law embrace more than the precise thing to be prevented . . . [Congress] may do so." Westfall v. United States, 274 U.S. 256, 259 (1927). Thus in James Everard Breweries v. Day, 265 U.S. 545 (1924), the Court held that, in order to enforce the prohibitions of the Eighteenth Amendment against dealings in intoxicating liquors "for beverage purposes," Congress could prohibit physicians from prescribing intoxicating malt liquors for medicinal purposes. Similarly, Congress may punish a misapplication of funds of a State bank, in order to guard against possible weakening of the Federal Reserve System. Westfall v. United States, *supra*. It can regulate wholly intrastate transactions in order to protect and make effective its regulation of interstate transportation. Shreveport Rate Cases, 234 U.S. 342 (1914); Wickard v. Filburn, 317 U.S. 111 (1942).

Congress, we think, could reasonably conclude that violence done to federal officials so affects the federal government that federal jurisdiction to investigate and punish is necessary. It could reasonably conclude that violence to such officials on any ground, private or public, so breeds disrespect and contempt for federal authority that the national security is endangered, *cf.* United States v. Jasick, *supra*. And it could also conclude that in order to protect against violence on "official" grounds it would have to protect against all violence to officials, since the man is indistinguishable from his office for purposes of investigation and custody of suspects. Thus, even if they embrace "more than the precise thing to be prevented," Westfall v. United States, *supra*, all the bills in question which cover violence to Congressmen and high Executive officials, irrespective of whether limited by reference to official duties, seem constitutional. We believe that this is certainly so with respect to the President, the Vice-President, the President and Vice-President-elect.

In considering the constitutional issue note should be taken of the legislative effort following the assassination of President McKinley. This effort foundered on congressional disagreement as to whether it was vested under the Constitution with the power to make it a federal offense to commit violence against the President without reference to whether the act of violence was connected with the performance by the President of his official duties.

Following the assassination the Senate passed a bill, S. 3653, 57th Cong., 1st Sess., the first section of which provided:

That any person who shall within the limits of the United States, or any place subject to the jurisdiction thereof, murder the President or Vice President of the United States, or the official next in succession to the President under the Constitution and laws of the United States shall be punished with death * * * (35 Cong. Rec. 3128).

The Senate thus did not limit the bill to homicides related to the President's official duties.

A House bill (H.R. 10386, 57th Cong., 1st Sess.), dealing with the same topic, was reported by the House Judiciary Committee with a limitation which would have restricted its application to offenses committed while any of the same officials was "engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions." (H. Rept. 425, 57th Cong., 1st Sess., p. 3). Some members of the Committee felt that this limitation was not required with respect to the President because he was always engaged in the performance of his official duties. However, since there was no agreement on this point and because it was felt that this argument did not apply to the Vice President and to the members of the cabinet, it was agreed to limit the application of the bill as indicated above (id. at pp. 2-3, see Appendix.).

The House never acted on H.R. 10386. When S. 3653 was referred to the House Judiciary Committee, its constitutional scruples, as reflected in the Committee Report (H. Rept. 1422, 57th Cong., 1st Sess.), led it to the position that Congress did not generally have the power to punish offenses against officers of the United States simply because they were such officers (p. 3); it viewed the power to enact criminal legislation in this area as derived from the necessary and proper clause of the Constitution and limited to those situations in which the offense was committed while the official "was engaged in the performance of his official duties, or because of his official character, or because of any of his official acts and omissions" (pp. 3-5). The committee was of the opinion that the President, at least, was continuously engaged in the performance of his official duties from the beginning to the end of his term (p. 5). It pointed, however, to fanciful situations with respect to which some "wise men and leading lawyers" felt otherwise, such as the situation in which the President on a private visit to New York might be killed at night by a burglar who was unaware of the President's identity (p. 5).

The Committee believed that if the statute, by covering every assault against the President, should exceed the power of Congress, the Supreme Court might well strike it down in its entirety, thus refusing to apply it even as to those situations in which Congressional power unquestionably existed. This fear was based on the decisions of the Supreme Court in United States v. Reese, 92 U.S. 214; United States v. Harris, 106 U.S. 629; and Baldwin v. Franks, 120 U.S. 678 (pp. 6-10).

The House Judiciary Committee therefore amended the Senate bill so as to make it conform in substance to the previously reported House Bill (H.R. 10386, *supra*); *i.e.*, by limiting it to homicide, attempts, and assaults related to the victim's official duties (pp. 1,3). The Committee added, however, a section (section 13), establishing a rebuttable presumption that the official was "at the time of the alleged offence engaged in the performance of his official duties" (p. 3). The bill passed the House substantially in that form. 35 Cong. Rec. 6507.

The bill as approved in conference did not limit its application as regards the President, Vice President or any officer of the United States upon whom the powers and duties of the President had devolved to homicides related to their performance of official duties; on the other hand with regard to officers in the line of the Presidential succession, the statute would apply only if the crime was committed while such officer was "engaged in the performance of his official duties, or because of his official duties or character, or because of his official acts or omissions." 36 Cong. Rec. 2407. The House agreed to the Conference Report. 36 Cong. Rec. 2420. Delaying tactics by Senator Bacon of Georgia, however, prevented its adoption by the Senate prior to the end of the 57th Congress. 36 Cong. Rec. 2953, 2956-2961, 2961-2964.

The arguments which lead the House Judiciary Committee to limit the bill to offenses against the President committed in connection with the performance of his official duties were essentially three: First, that criminal legislation enacted under the necessary and proper clause of the Constitution in order to protect federal officials must be limited to offenses relating to the victim's official duties; second, that there might be some offenses affecting the President wholly unconnected with his official duties, such as a homicide by a burglar, or a killing by a fishing guide during an argument on a vacation trip (H. Rept. 1422, 57th Cong., 1st Sess., p. 10), and third, the line of Supreme Court decisions which the Committee interpreted as standing for the proposition "that a statute of the United States defining and punishing an offense against the United States in general terms, when the act is committed within a State, must be so framed as to show on its face that it can apply only to offenses of which the United States has jurisdiction" (id., p. 6); and that "the court will not separate the good from the bad, for it has been repeatedly decided that the law to be constitutional must in terms be confined to matters within the constitutional power of Congress to control." (id., p. 9).

In today's context there is much doubt as to the force of these arguments. To begin with, the decisions on which the Committee relied in 1902 have lost much of their precedential

value. A person as to whom the application of a statute is constitutional is no longer permitted to attack it on the ground that there might be some marginal situations in which its application might be unconstitutional; "the delicate power [of the courts] of pronouncing an Act of Congress unconstitutional is not to be exercised with reference to hypothetical cases * * * ." United States v. Raines, 362 U.S. 17, 21-22, and the authorities there cited; United States v. National Dairy Corp., 372 U.S. 29, 32. In any event the courts will construe a statute so as to restrict its applicability to the constitutionally permitted area. United States v. National Dairy Corp., *supra*, United States v. Rumely, 345 U.S. 41, 47.

The latter method of constitutional interpretation was applied in United States v. Metzdorf, 252 Fed. 933, 936-937 (D. Mont.), which involved a prosecution under a statute (now codified in 18 U.S.C. 871, *supra*) which makes it a crime to threaten the life of the President. The court stated that Congress could make such threats punishable only if they related to the President's public character and capacity. However, rather than hold the statute unconstitutional in its entirety, it limited its application to threats relating to the President's official duties. Other courts have had no constitutional difficulty in applying the statute to any type threat on the life of the President. See the discussion, *supra*.

The Committee's second point, involving the scope of the necessary and proper clause,

fails to realize that the meaning of the term "necessary" varies with the context. McCulloch v. Maryland, 4 Wheat. 316, 413-414; Armour & Co. v. Wantock, 323 U.S. 126, 129-130. Hence, what may be "necessary and proper" with respect to a deputy marshal, may be utterly inadequate as far as the President is concerned. This seems to have been the ratio decidendi underlying the decisions (supra) under 18 U.S.C. 871, supra, taking the position that in view of the President's unique constitutional position and the national dangers arising from homicidal threats directed against him, require the statute to be construed as not limited to threats relating to the President's official duties.

The Committee's third point was based on the possibility that there might be some situation in which the President should be considered as having shed his official capacity. The Committee, however, itself refuted that argument. H. Rept. 425, 57th Cong., 1st Sess., pp. 1-2, reprinted in H. Rept. 1422, 57th Cong., 1st Sess., p. 15 and see Appendix. Under modern conditions the President is always on call. The extent to which an officer in a standby capacity is on duty depends on the circumstances. Armour & Co. v. Wantock, 323 U.S. 126, 133. His tour of duty may include the hours of relaxation and amusement (id., at 128, 132-134) or even the time when he is asleep. Farley v. United States, 131 C.Cl. 776. If firefighters are considered to be working while playing cards or listening to the radio (Armour & Co. v. Wantock, supra), and matrons in a penitentiary while they sleep (Farley v. United States, supra) the same certainly applies to the President who is constantly available for any emergency that might occur. 127 Farley 562

In H. Rept. 433, 57th Cong., 1st Sess., pp. 2-3 the Committee took the position as to the Vice President that his only constitutional function is to preside over the Senate; hence, that he performs his official duties only when the Senate is in session. This argument overlooks the fact that the Vice President constantly is in readiness to step in at a moment's notice should the event occur that requires him to take over the Presidency. His duty

may be "to stand and wait" (Armour & Co. v. Wantock, supra, at 133) but, nevertheless, in the present posture of world and national affairs it is a crucial one. There would appear to be little doubt that the President, the Vice President and the first in line in the Presidential succession are constantly engaged in the performance of their official duties.

Appendix

H. Rept. 425, 57th Congress, 1st Session, to accompany
H.R. 10386.

"PROTECTION OF THE PRESIDENT AND THE SUPPRESSION
OF CRIME AGAINST GOVERNMENT"

Pp. 1, 2, 3:

"It is not unreasonable to contend, a constitutional government having been ordained and established (and it was intended to be permanent and to have the power of self-preservation), that the following provision of the Constitution empowers Congress to make laws protecting and preserving the lives and persons of the chosen officers of that government, the agencies through which only it can operate or exist as a government, at all times, whether such officers are engaged in the discharge of official duties or not, and whether an attack is made because of the official character of such officers or of some official act or omission of the officer assaulted.

* * * *

"Charged with these and other duties which call for unremitting and constant attention, how can it be said that the President is not always engaged in the performance (that is, in and about the discharge) of his official duties? True, he may do other things while so engaged, but we can not indulge in so much refinement as to say that the President, while partaking of his meals or walking or riding for recreation or amusing his children, is not at the same time engaged in the performance of his official duties. True, the acts mentioned are not official acts, but he does not cease to be officially acting even then. (In re Neagle, 135 U.S., 1, 55-56.)

"So, should such a thing occur, if the President is engaged in a personal quarrel as to some private matter, while that act is not an official act, he is still in and about the performance of his official duties as President. As to the Vice-President and members of the Cabinet no such claim can be made. The Vice-President can not act until Congress meets. His constitutional duty is to preside over the Senate.

"REASONS FOR LIMITATION."

"These views as to the President do not obtain, however, with all the members of your committee, and hence the limitations found in section 1 as well as in sections 2, 3, and 5, 'while engaged in the performance of his official duties, or because of his official character, or because of any of his official acts or omissions.'

"No constitutional or other well-founded objection in this regard can be urged to the bill as drawn, in our opinion; but it would be open to serious doubt and give rise to much contention if these words were omitted.

"If the President is always engaged in and about the discharge of his official duties the words do no harm. If he is not always so engaged, and if Congress has no constitutional power to enact a law that will punish the assassin for killing the President when done to gratify a purely personal spite (not because of his official character, acts, or omissions), and when the President is not so engaged and the act is committed within a State, then these words are necessary."

P. 6:

"Your committee, after full and careful consideration and research, asserts that the Federal Constitution and power derived therefrom is in itself and entirely independent of the States broad and comprehensive enough to protect,

maintain, and preserve the Federal Government, and as a direct and necessary incident of such power Congress may make laws to protect and preserve the lives and persons of those of its officers who are clothed with and represent, in any degree, the sovereignty of the people of the nation. We have not traveled outside the principles established and enunciated by the adjudged cases or the express provisions of the Constitution. An attack on or an injury to an officer of the Government, when he is engaged in the performance of an official duty, or because of his official character, or because of an official act or omission, is an attack on and resistance to the Government and its authority."

THE WHITE HOUSE

WASHINGTON

September 24, 1964

Dear Mr. Rankin:

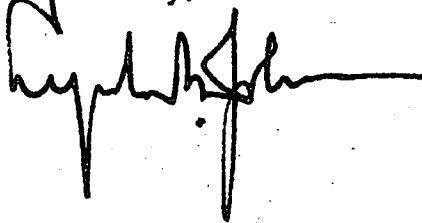
I have today received the report of the Commission on the Assassination of President Kennedy, thus bringing to completion the careful study which was initiated on November 29, 1963.

While the work of the Commission has now been completed, there remains the task of winding up its affairs, preserving essential records, and bringing administrative matters to an orderly conclusion.

I appreciate very much your willingness to continue for a short period to work with the Administrator of General Services to accomplish this task, and by this letter I authorize whatever help and support may be necessary for this purpose.

In my letter to Chief Justice Warren I have tried to express something of the debt which I think all Americans have to the Commission, and to all those who assisted in its work. Let me now send a word of personal thanks to you for your own great contribution to the successful completion of this heavy task.

Sincerely,



The Honorable J. Lee Rankin
General Counsel
President's Commission on the
Assassination of President Kennedy
200 Maryland Avenue, N. E.
Washington, D. C.

PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

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ALLEN W. DULLES

J. LEE RANKIN,
General Counsel

October 5, 1964

Mr. Richard M. Mosk
66 Cleary Court
Apartment 708
San Francisco, California

Dear Mr. Mosk:


When I last wrote you it was the intention of Mr. Rankin and the Commissioners to convene and sign copies of the Report for members of the staff. However, as you have undoubtedly learned, the members of Congress became very busy and then they adjourned until next January and it became impossible to reach them for this purpose. We therefore proceeded to mail the complimentary copies to staff members without signatures because we were certain they would not like to wait several months to receive them. Perhaps at some time you will have occasion to be in Washington and can bring it with you.

Both Mr. Dulles and Mr. McCloy left almost immediately on trips abroad and their return is uncertain. The Chief Justice is now completely absorbed with the work of this new session, so procuring autographs as we had wanted to do, has become a problem.

It will be a little while before the rest of the volumes are complete. Most of the testimony is in printed form but preparing the exhibits for inclusion in the volumes is a slower process.

We are all very pleased with the reception that the Report has received and all of you members of the legal staff who participated are indeed deserving of congratulations.

Best wishes,



ROUTING SLIP

Remarks

<u>RANKIN, J. Lee</u>	
<u>WILLENS, Howard P.</u>	
<u>ADAMS, Francis W. H. .</u>	
<u>BALL, Joseph A.</u>	
<u>BELIN, David W.</u>	
<u>COLEMAN, William T.</u>	
<u>CONROY, Edward A.</u>	
<u>EIDE, Julia T.</u>	
<u>EISENBERG, Melvin A.</u>	
<u>FARRAR, Josephine</u>	
<u>GRIFFIN, Burt</u>	
<u>HECKMAN, Beverly</u>	
<u>HUBERT, Leon</u>	
<u>JENNER, Albert E.</u>	
<u>LIEBELER, Wesley J.</u>	
<u>O'BRIEN, John J.</u>	
<u>REDLICH, Norman</u>	
<u>SHAFFER, Charles</u>	
<u>SLAWSON, W. David</u>	
<u>SPECTER, Arlen</u>	
<u>STERN, Samuel</u>	
<i>Mask</i>	✓

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PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

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General Counsel

M E M O R A N D U M

TO: J. Lee Rankin
General Counsel

FROM: Richard M. Mosk

SUBJECT: VIOLATION OF COPYRIGHTS

A recent amendment to the Federal Tort Claims Act renders the Government but not its employees liable for copyright infringement, 74 Stat. 855 (1960; 28 U.S.C.A. § 1498 (b)).

"Hereafter, whenever the copyright in any work protected under the copyright laws of the United States, by a corporation owned or controlled by the United States, or by a contractor, subcontractor, or any person, firm or corporation acting for the Government and with the authorization or consent of the Government, the exclusive remedy of the owner of such copyright shall be by action against the United States in the Court of Claims for the recovery of his reasonable and entire compensation as damages for such infringement, including the minimum statutory damages as set forth in Section 101 (b) of Title 17, United States Code: Provided, that a Government employee shall have a right of action against the Government under this subsection except where he was in a position to order, influence, or induce use of the copyrighted work by the Government: Provided; however, that this subsection shall not confer a right of action on any copyright owner or any assignee of such owner with respect to any copyrighted work prepared by a person while in the employment or service of the United States, where the copyrighted work was prepared as a part of the official functions of the employee, or in the preparation of which Government time, material, or facilities were used: And provided further, that before such action against the

United States has been instituted the appropriate corporation owned or controlled by the United States or the head of the appropriate department or agency of the Government, as the case may be, is authorized to enter into an agreement with the copyright owner in full settlement and compromise for the damages accruing to him by reason of such infringement and to settle the claim administratively out of available appropriations. . . ."

Generally one who infringes a copyright is subject to an injunction restraining such infringement, 17 U.S.C.A. §§ 101, 112. However, 28 U.S.C.A. § 1498 (b) seems to limit remedies against the Government to actions in the Court of Claims. See S. Rept. No. 1877, 86th Cong. 2d Sess. (1960) (" . . . the bill would waive the sovereign immunity of the United States for infringement of copyrights by extending the provisions of Section 1498 of Title 28, United States Code, to permit an action in the Court of Claims for a copyright infringement."). Also it has been stated that "The language of the bill is to the effect that the exclusive remedy of the owner of the copyright against the United States shall be only in those cases in which the infringement was made with the authorization or consent of the Government. It would, therefore, follow that all other infringements would not transfer liability to the United States Government." Id.

As you know, some of our exhibits are photographs appearing in LIFE magazine. I would recommend that we request permission to publish these photographs. Dr. Goldberg claims that this is the practice followed by many Government agencies.

While there is very little authority on the point, it has generally been said that "the right to publish and copyright private letters generally belongs to the writer or his legal representative and not to the recipient." Howell's Copyright Law 51 (Latman ed. 1962); Kaplan and Brown, Cases on Copyright 15 (1961) (Brandeis and Warren relate the sender's right in his letter to be "the more general right of the individual to be let alone." 4 Harv. L. Rev. 193, 205 (1890)). The writers of the unpublished letters with which we are concerned hold a common law copyright in them. 17 U.S.C. § 2 ("That nothing in this Act shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication or use of such unpublished work without his consent, and to obtain damages therefor"). A common law copyright is a valuable property right. There is some question as to whether this common law copyright would be divested by government publication. While there are no cases on it, the better view would seem to be that it would. Stiefel "Piracy in High Places"-Government Publication and Copyright Law, 24 Geo. Wash. L. Rev. 423, 432 (1956). Title 17 U.S.C.A. § 8 provides, "the publication or republication by the Government . . . of any material in which copyright is subsisting shall not be taken to cause any abridgement . . . of the copyright." It would seem that the "copyright" referred to would be a statutory copyright. Once the document is published, no common law copyright exists. 17 U.S.C.A. § 2 Wheaton v. Peters, 34 U. S. 591 (1834). Thus, once the Report is published, the authors of various letters (and Lee Oswald's heirs) will lose the very valuable literary rights that would come from the letters.

It would seem doubtful that the United States could be sued for the violation of a common law copyright in our particular case. Title 28 U.S.C.A. § 1498 (b) applies only to statutory copyrights. The Federal Tort Claims Act, 28 U.S.C.A. 2671 et seq., provides for general governmental liability for torts, with a number of exceptions. Courts have said that "an action for damages by reason of infringement of a copyright is . . . one sounding in tort. Turton v. United States, 212 F. 2d 354 (6th Cir. 1954). Before the passage of the 1960 statute there had been some speculation that the Federal Tort Claims Act covered infringements of statutory copyrights, see 3 Davis, Administrative Law, 470 (1958), although this contention was generally refuted. H. Rept. 624, 86th Cong. 2d. Sess. (1960); Stiefel, "Piracy in High Places - Government Publications and Copyright Law," ASCAP, Copyright Law Symposium No. 8, 6 (1957). However, this refutation was due to the feeling that the Federal Tort Claims Act embraced only "common law torts." Howell's Copyright Law 48 (Latman ed. 1962).

While certain intentional torts are excepted from the operation of the Federal Tort Claims Act, 28 U.S.C.A. § 2680 (b), (including defamation), not all intentional torts have been excluded. Thus, several writers have suggested that a suit could be brought against the Government on a theory of invasion of privacy. See Davis, supra.; O'Donoghue, "Some Possible New Fields in a Narrowing Act, 7 Vand. L. Rev. 180 (1954). If this is so, there seems no reason why suit could not be brought on a common law copyright theory. (a Right of Privacy theory might also be applicable in the case of these letters)

However, it is likely that the Commission's Report would fall under the exceptions to the Federal Tort Claims Act for acts done in the execution of a statute or regulation or for acts within the discretionary function or duty of any federal agency or employee. 28 U.S.C.A. § 2680 (a). While the courts are in hopeless confusion over what a discretionary act is, compare Dalehite v. United States, 346 U.S. 15 (1953) (4-3) with Indian Towing Co. v. United States, 350 U.S. 61 (1955),⁽⁵⁻⁴⁾ it would seem that decisions and actions by an executive body such as the Commission should be considered "discretionary" rather than "ministerial." See 3 Davis, Administrative Law 479 (1958). Furthermore, since the Commission is to report all of the facts to the President, Exec. Order No. 11130, S. J. Res. 137, it would seem that the Commissioners are acting pursuant to statute or regulation.

However, the officers of the Government (here, presumably, the Commissioners) are not necessarily immune from such suits. Thus, prior to the enactment of 28 U.S.C.A. § 1498 (b); a government employee was held liable for a copyright infringement. Towle v. Ross, 32 F. Supp. 125 (1940); see also Belknap v. Schild, 161 U.S. 10 (1896) (patent infringement).

The problem of suits against Government officers is a very complex one. See the recent articles by Jaffe, 77 Harv. L. Rev. 1, 209 (1963). I would suppose that the Commissioners would be protected under the privilege extended to certain high officers for discretionary or quasi - judicial acts. See Barr v. Matteo, 360 U.S. 564 (1959). (Granted absolute immunity to the Director of the Office of Rent Stabilization, protecting him from a libel

suit arising out of statements he had made about two employees in a press release, although no majority opinion.); Spaulding v. Vilas, 161 U.S. 483 (1896) ("The head of a department . . . cannot be held liable to a civil suit for damages on account of official communications pursuant to an act of Congress," regardless of motive). Certainly, the publication of such letters would not be considered malicious or as being published with improper motive. Furthermore, there is a tendency to protect the officer by regarding his function as quasi - judicial or discretionary. 2 Harper & James, The Law of Torts 1642 (1956).

In my view there are not likely to be any suits in this area, and it is even less likely that any suit would be successful. Conceivably by requesting permission to publish these letters, the person might be alerted to the possibility of some rights against the Government. On the other hand, there is always the possibility of embarrassing suits later on.

VII POSSIBLE PERSONAL MOTIVE

"I wonder what would happen if somebody was to stand up and say he was utterly opposed not only to the government, but to the people, to the entire land and complete foundations of his socially."

Lee Harvey Oswald, June 1960. 1/

"He said that after 20 years he would be prime minister."

Marina Oswald. 1a/

"He is like a puppy dog that everybody kicked."

Jeanne deMohrenschildt. 1b/

The evidence reviewed above identifies Lee Harvey Oswald as the assassin of President Kennedy and indicates that he was the sole actor in that event; that he had no accomplices

1/ Commission Exhibit 25 in Hearings (Exhibits) .
The spelling in all quotations of Oswald are as in the original.

1a/ 1 Hearings 22.

1b/ 9 Hearings 309.

and was not involved in any conspiracy. With the possibility of conspiracy ruled out we must face the question of what drove Oswald to conceive and to carry out, insofar as can be determined, without the support of others, an act of such magnitude as the assassination of the President of the United States.

Conclusions as to the motive of any man must be somewhat speculative and inferential in nature. Especially here, for Oswald is dead. He cannot be questioned or observed by those charged with the responsibility of this report, none of whom have ever seen or heard him, or by experts on their behalf. Oswald's absence, of course, makes it impossible for the Commission to reach any definite conclusions as to his moral culpability, i.e., whether or not he was "insane" under prevailing legal standards. Under our system of justice that determination could not properly be made in any forum in which Oswald was not present. It certainly could not be made by this Commission which, as has

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been pointed out above, is not concerned with conclusions concerning Oswald's legal guilt, but only with determining, insofar as possible, the facts as to what occurred.

In addition to making impossible any determination of his legal guilt, Oswald's absence, while not entirely preventing a meaningful analysis of his possible motive, also makes any ex post facto "psychoanalysis" of him so difficult as to render its value marginal at best. The Commission's attempt to describe the factors in Oswald's psychology which may have been relevant to his possible motive will, therefore, be limited largely to what can be inferred from past studies of the man, from his own acts and writings and to a much lesser extent from statements made about him by others who knew him. The Commission realizes that in so limiting itself it may not mention factors in Oswald's life which would be regarded as all important by one school of psychiatric thought or another and which might really have been significant in the formation of the withdrawn and hostile

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character of Lee Harvey Oswald. It is believed sufficient for the Commission's purposes, however, to trace Oswald's psychological development as best it can be traced from the time of the psychiatric examination that he had at the age of thirteen. Some of the factors that may have played a part in causing the psychological difficulties that were observed in him at that time will be briefly mentioned. In view of Oswald's absence, however, a detailed consideration of those factors would be too uncertain to be properly included within the scope of this report.

Motivation is, of course, not only a function of a desire to commit a specific act and of the controls which tend to inhibit the commitment of that act, but is also a function of the strength of those competing forces. In men who are truly and deeply committed to their society, men who have much for which to live, the forces tending to prevent the expression of acts in conflict with the values of themselves or

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their society are usually quite strong. They ordinarily will not commit such acts in the absence of powerful forces driving them to that end. The strength of a particular desire, however, need not be nearly so great to push to evil action a man who has less for which to live and in whom the inhibitory forces are consequently weak or nonexistent. The values of a man who is completely alienated from his society may in fact reinforce a desire to commit an act such as the assassination rather than inhibit its expression, as would be the case with most men. A person suffering from severe mental disturbance may act in a way which appears to "ordinary" men to be entirely without reason. The things which justify his act to himself may not seem to others to be related to it at all.

Recognizing those qualities of motivation, the discussion below will consider first the psychology of Lee Harvey Oswald. That section of the discussion will attempt to outline Oswald's psychological development from the time of the psychiatric examination he had in New York in 1953

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to the time of the assassination and thereby to provide a psychological background against which various possible motives can be considered. As indicated below that background is one of a completely alienated man with fantasies both of grandeur and persecution who, with a singular lack of success, strove to command the attention of other people. It is the background of a severely disturbed individual in whom the forces tending to prevent an act such as the assassination were most probably very weak; a man whose thought processes in connection with his act could very likely be related to it only in the context of his own peculiar and specialized view of the world. In view of the difficulties involved in determining motivation under those circumstances, a consideration and analysis of various possible motives will be set forth in the section of this report which immediately follows the description of Oswald's psychology.

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A. THE PSYCHOLOGY OF LEE HARVEY OSWALD

Lee Harvey Oswald was a man profoundly alienated from the world in which he lived. He never seemed to be able to relate meaningfully to any part of it. His life was characterized by isolation, frustration, suspicion, failure at almost everything he ever tried to do, and, increasingly, by a system of delusion and fantasy designed to protect himself from his own failure and impotence as they were reflected in the real world around him.^{2/}

Oswald's alienation, the fantasies that developed from it and the attempts that he made to overcome it will be traced through the events of his life that most clearly reveal his character to us now. Those events include his experiences in New York City at the age of thirteen, his

^{2/} The details of Oswald's life are set forth in the Appendix. They will be repeated here only to the extent that they bear directly on the discussion at hand.

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experiences in the Marine Corps, his interest in Marxism, his defection to the Soviet Union in 1959, his marriage to Marina Oswald, his subsequent return to the United States and his life here after June of 1962. The events that occurred from late September, 1963 to the time of the assassination will, of course, be considered in much greater detail, for they not only provide insights into Oswald's character ; they are the basic materials from which any inferences as to his specific state of mind at the time of the assassination must be drawn.

The first "concrete" evidence of the nature of Oswald's psychology, and one of the clearest indications of his withdrawal tendencies which were to continue and to ripen into the alienation which so clearly characterized his later life, comes from his experiences in New York City when he was thirteen years old. Marguerite and Lee Oswald moved to New York in August of 1952. The other children in Lee's school in the Bronx laughed at him and teased him

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because of the "western" clothes that he wore and because he spoke with a different accent.^{3/} As a result Lee steadfastly refused to attend school, preferring to stay at home by himself to read magazines and watch television.^{4/}

Truancy charges were brought against him. The Bronx Children's Court remanded Lee for psychiatric observation to Youth House, an institution in which children are kept for psychiatric observation or for detention pending court appearance or commitment to a child-caring or custodial institution such as a training school.^{5/} Lee was in Youth House from April 16 to May 7, 1953,^{6/} during which time he was examined by its Chief Psychiatrist, Dr. Renatus Hartogs and interviewed and observed by other members of the Youth House staff.

^{3/} 8 Hearings 208 (Carro).

^{4/} Siegel Exhibit 1 ___ Hearings (Exhibits) ___.

^{5/} 8 Hearings 218 (Dr. Hartogs).

^{6/} Carro Exhibit 1 in ___ Hearings (Exhibits) ___.

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While that psychiatric examination did not indicate, as has been reported,^{7/} that Lee Oswald was a potential future assassin or that he was "potentially dangerous" and should be institutionalized for his own protection and for that of society, it did find Oswald to be a tense, withdrawn and evasive boy who disliked intensely talking about himself and his feeling. Lee "liked to give the impression" that he did not care for other people but preferred to keep to himself so he was not bothered and did not have to make the effort of communicating. Oswald's withdrawn tendencies and solitary habits were thought to be the result of "intense anxiety, shyness, feelings of awkwardness and insecurity." Lee told Dr. Hartogs: "I don't want a friend and I don't like to talk to people I dislike everybody." He was reported to have a vivid fantasy life, turning

^{7/} "Oswald: Evolution of an Assassin," Life, February 21, 1964, p. 68A.

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around the topics of omnipotence and power, "through which he tries to compensate for his present shortcomings and frustrations." Dr. Hartogs summarized his report by stating:

"This 13 year old well built boy has superior mental resources and functions only slightly below his capacity level in spite of chronic truancy from school which brought him into Youth House. No finding of neurological impairment or psychotic mental changes could be made. Lee has to be diagnosed as 'personality pattern disturbance with schizoid features and passive - aggressive tendencies.' Lee has to be seen as an emotionally, quite disturbed youngster who suffers under the impact of really existing emotional isolation and deprivation, lack of affection, absence of family life and rejection by a self-involved and conflicted mother."

Dr. Hartogs recommended that Oswald be placed on probation on condition that he seek help and guidance through a child guidance clinic where he should be treated by a male psychiatrist who could substitute for the lack of a father figure. He also recommended that Mrs. Oswald seek psychotherapeutic guidance

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through contact with a family agency.^{8/}

Lee's withdrawal was also noted by Mrs. Evelyn Strickman Siegel, a social worker who interviewed both Lee and his mother while Lee was confined in Youth House. She described Lee as a "seriously detached, withdrawn youngster," but also noted that he had "a rather pleasant, appealing quality which grows as one speaks to him." She thought Lee was "emotionally starved and affectionless" and that he had detached himself from the world around him because "no one in it ever met any of his needs for love." Since his mother worked all day Lee made his own meals. He spent all his time alone because he didn't make friends with the boys in the neighborhood. Mrs. Siegel noted that Lee "withdrew into a completely solitary and detached existence where he did as he wanted and he didn't have to live by any rules or come into contact with people." Lee said that he felt almost as if there were a veil between him and other people through

^{8/} Authority for all items in the above paragraph is 8 Hearings 223-24 (Dr. Hartogs).

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which they could not reach him, but that he preferred the veil to remain intact. Lee admitted to fantasies about being powerful and sometimes hurting or killing people, but he refused to elaborate on them, reminding Mrs. Siegel that such matters were his own business.^{9/}

Lee told probation officer John Carro that he had too much difficulty in making friends and as a result liked to be by himself.^{10/} The reports of Carro and Mrs. Siegel also indicate an ambivalent attitude toward authority on Oswald's part. Carro reported that Lee was disruptive in class after he returned to school on a regular basis in the Fall of 1953, that he had refused to salute the flag and was doing very little if any work. Lee told Carro that he would run away if he were sent to a boy's home.^{11/} and he did not want to do any of the things suggested by the authorities in

^{9/} Authority for all items in the above paragraph is Siegel Exhibit 1 in Hearings (Exhibits) .

^{10/} Carro Exhibit 1 in Hearings (Exhibits) .

^{11/} Ibid.

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their attempts to bring him out of the shell into which he was rapidly retreating.^{12/} On the other hand he frankly told Mrs. Siegel that he wished his mother had been more firm with him in her attempts to get him to return to school.^{13/}

That attitude might, of course, be expected from a boy who had never been exposed to a strong authority figure after which he could model his own conduct. Oswald's father had died shortly before he was born.^{14/} His mother had to work much of the time and she left Lee with others. As he grew older he spent increasing amounts of his time alone.^{15/} When Lee was six years old his mother remarried, unsuccessfully, however, and after a short time which was marked by a good deal of discord, Lee was deprived of his new father,^{16/} to whom he apparently was beginning to

^{12/} Carro Exhibit 1 in ___ Hearings (Exhibits) ___.

^{13/} Siegel Exhibit 1 in ___ Hearings (Exhibits) ___.

^{14/} (see Jenner or Mosk) ^{15/} Ibid.

^{16/} Ibid.

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become quite attached. ^{17/} Lee's older brothers, of course, had their own interests and as a result apparently were never able to play in Lee's life the role that would ordinarily have been played by his father. ^{18/} While Lee's mother did have real problems of her own after her husband's death, she apparently gave Lee little affection and certainly did not serve as any sort of substitute for a real father. Furthermore she did not understand that Lee's psychological problems were in any way related to failure on her part. That lack of understanding was recognized by Mrs. Siegel who, after her interview with Mrs. Oswald, described her as a "smartly dressed gray haired woman, very self-possessed and alert and superficially affable," but essentially a "defensive, rigid, self-involved person who had real difficulty in accepting and relating to people" and who had

^{17/} (see Jenner or Mosk)

^{18/} (see Jenner or Mosk)

"little understanding" of Lee's behavior and of the
"protective shell he has drawn around himself."^{19/}

Dr. Hartogs reported that Mrs. Oswald did not understand
that Lee's withdrawal was a form of "violent but silent protest
against his neglect by her - and represents his reaction
to a complete absence of any family life."^{20/}

The factors in Lee Oswald's personality which
were noted by those who had contact with him in New York
indicate that he had great difficulty in adapting himself to
conditions in that city and that his basic reaction to the
problems he encountered there was simply to withdraw from
them. They indicate a severe inability to enter into relation-
ships with other people, a problem which Lee had had before
going to New York^{21/} and one which was to plague him for the
rest of his short and unhappy life. -----

^{19/} Siegel Exhibit 1 in ___ Hearings (Exhibits) ___.

^{20/} 8 Hearings 223 (Dr. Hartogs).

^{21/} See 8 Hearings 22 (Smith; Id. at ___ (Voebel).

It would be quite an exaggeration, however, to think that those factors could have led anyone to predict such an outburst of violence from Lee Harvey Oswald as finally did occur. That such possibilities were not recognized while Lee was in New York is indicated by the fact that Mr. Carro was the only one of Oswald's three principal observers who recommended that he be placed in a boy's home or similar institution.^{22/} But Carro was quite specific that his recommendation of placement was based primarily on the adverse factors in Lee's environment -- his lack of friends, the apparent unavailability of any agency assistance and the ineffectualness of his mother -- and not on any particular mental disturbance in the boy himself.^{23/} Carro testified that:

"There was nothing that would lead me to believe when I saw him at the age of 12 that there would be seeds of destruction for somebody. I couldn't in

^{22/} Compare Carro Exhibit 1 in ___ Hearings (Exhibits) ___ with Hartogs Exhibit 1 in ___ Hearings (Exhibits) ___ and Siegel Exhibit 1 in ___ Hearings (Exhibits) ___.

^{23/} 8 Hearings 206, 210 (Carro).

all honesty sincerely say such a thing."^{24/}

Mrs. Siegel concluded her report with the statement that

"Despite his withdrawal, he gives the impression that he is not so difficult to reach as he appears and patient, prolonged effort in a sustained relationship with one therapist might bring results. There are indications that he has suffered serious personality damage but if he can receive help quickly this might be repaired to some extent."^{25/}

Lee Oswald was never to receive that help. Few social agencies even in New York were equipped to provide that kind of intensive treatment and when one of the City's clinics did find room to handle him, for some reason that is difficult to tell from the record, Oswald never took advantage of the chance afforded to him.^{26/} When Lee became a disciplinary problem upon his return to school in the Fall of

^{24/} 8 Hearings 212 (Carro).

^{25/} Siegel Exhibit 1 in ___ Hearings (Exhibits) ___.

^{26/} Carro Exhibit 1 in ___ Hearings (Exhibits) ___.

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1953, and when his mother failed to cooperate in any way with school authorities, the Court was finally forced to consider placement in a home for boys.^{27/} Placement was postponed, however, perhaps in part at least because Lee's behavior suddenly improved. Before the Court took any other action the Oswalds left New York,^{28/} in January of 1954, returning to New Orleans where Lee finished the ninth grade before he quit school to work for a year, and then to join the Marines in October of 1956.^{29/}

Lee actually tried to join the Marines a whole year earlier than that, when he was sixteen years old, just a little over two and one-half years after he left New York. He wrote a note in his mother's name to school authorities in New Orleans saying that he was leaving school because he and his

^{27/} and ^{28/} Carro Exhibit 1 in ___ Hearings (Exhibits) ___.

^{29/} See discussion in Appendix ___; Folsom Exhibit 1 in ___ Hearings (Exhibits) ___.

mother were moving to San Diego.^{30/} While there is some evidence that he induced his mother to make a false statement as to his age he was, nevertheless, unable to convince the proper authorities that he was really seventeen years old.^{31/} Lee's brother, Robert, had already joined the Marines three years before, and undoubtedly, Lee was greatly influenced by his brother's action in that regard. During the year after his unsuccessful attempt to enlist, Lee studied Robert's Marine Corps Manual until "he knew it by heart."^{32/} According to his mother, "Lee lived for the time he would become 17 years old to join the Marines - that whole year."^{33/}

Lee's intense desire to join the Marines and the fact that he was greatly influenced to do so by his brother's prior conduct is significant in at least two respects. First, his great desire to leave his present environment, even though

^{30/} Commission Exhibit 199 in Hearings (Exhibits) ;
1 Hearings 196 (Marguerite Oswald).

^{31/} Id. at 197-8.

^{32/} Id. at 198.

^{33/} Ibid.

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he had only finished the ninth grade in school, is a rather good indication that his alienation problems had not improved very much since his experiences in New York City. That is also borne out by the testimony of some of his classmates and other acquaintances at the time which indicates that he kept very much to himself and had few if any friends.^{34/}

That desire to join the Marines was also an indication of the extent to which he desired to get away from his mother.^{35/}

In addition, his sense of frustration and failure must have been deepened by the fact that his experiences in the Marines, did not, of course, turn out as he had expected. He had in a sense been led to join the Marines by the previous conduct of his brother, Robert, whose example was no doubt all the more meaningful to Lee because of his father's early death. When Lee encountered the reality of Marine life he very likely felt that Robert, who had almost certainly served to some extent in Lee's mind as a substitute for his father, had

^{34/} See authority cites in note 19 supra (form).

^{35/} Hearings (John Pic).

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somehow let him down or failed to provide the proper guidance to him, much as his mother had when she did not insist that he return to school.

Although there is nothing in Oswald's military records or in the testimony of his former Marine associates to indicate that he was mentally unstable or otherwise psychologically unfit for duty in the Marine Corps, he did have his difficulties with the more direct type of authority which he found in that service. His response here, however, was related to his idea, which was to become much more pronounced later, that he was a man of great ability, intelligence^{36/} and presumably, in view of the fantasies described by Dr. Hartogs and Mrs. Siegel, of power. One of his former

^{36/} While Oswald was not unintelligent, he certainly had nothing like the intellectual powers he seemed to think he had. He scored 118 on an IQ test (Wechsler Intelligence Scale for Children) given to him at Youth House in 1953. (Commission Document 60, pp. 59-60). He had previously scored an IQ of 103 in a test he took in the fourth grade. (Commission Document 373). His military test scores ranged from 125 on reading and vocabulary to 90 on Arithmetical Reasoning. His General Classification Test (GCT) score, a weighted average of the intelligence tests he took when entering the service which may be compared roughly with IQ, was 105. 8 Hearings 307 (Folsom).

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officers testified that Oswald thought:

"That authority, particularly the Marine Corps, ought to be able to recognize talent such as his own, without a given magic college degree, and put them in positions of prominence. His talent was obviously unrecognized by the Marine Corps for commission or staff NCO ability, if it existed." 37/

Oswald manifested that feeling by baiting his officers. He led them into discussions of foreign affairs about which most of them knew little, and certainly less than Oswald himself, who had apparently devoted considerable time to a study of such matters. 38/ When the officers were unable to discuss foreign affairs intelligently with him, Oswald regarded them as unfit to exercise command over him. 39/ Once again the authority figures in his life had failed him, only in this case they continued to exercise their authority over him which, one may be sure, only served to increase his hostility toward them

37/ 8 Hearings 295 (Donovan).

38/ Id. at 290-3, 297.

39/ Id. at ____.

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and toward authority in general. The inability of his officers to discuss foreign affairs with him on his own terms must have supported his exaggerated idea of his own abilities. For if those great men -- and there can be little doubt that he saw them as such -- could not hold their own with him, albeit in an area admittedly outside their competence, that proved to him how competent he was himself.^{40/} In a characteristic act he was later to translate his feeling about the Marine Corps authorities into political and institutional terms when he described the Marines as "a right wing infiltrated organization of dire potential consequences to the freedoms of the U.S." Said Oswald: "I agree with former President Truman when he said 'The Marine Corps should be abolished.'^{41/}

Oswald left the Marine Corps in September of 1959 on an early "hardship" discharge^{42/} and almost immediately defected to the Soviet Union. That act, which was by far the

^{40/} ___ Hearings ___ (Delgado).

^{41/} Commission Exhibit 102 in ___ Hearings (Exhibits) ___.

^{42/} His mother had had an accident and he was discharged to go home and take care of her. Folsom Exhibit 1 in ___ Hearings (Exhibits) ___.

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most striking indication that he had yet given of his alienation from and hostility toward our society, appears to have had its genesis in the study of Marxism and communism which Oswald had begun at the age of fifteen,^{43/} allegedly as the result of reading a pamphlet which protested the death penalty which had been given to the Rosenbergs. Oswald told Aline Mosby, a reporter who interviewed him in Moscow after his defection:

"I became interested in Marxism at about the age of 15. From an ideological viewpoint. An old lady handed me a pamphlet about saving the Rosenbergs.... I looked at that paper and I still remember it for some reason, I don't know why." ^{44/}

That involvement with Marxism and communism was to have profound effects on Oswald's life. It led him eventually to a commitment to a utopian ideal of communism that he appears to have kept to the very end of his life. That commitment seems to have been of great importance to him, for it served in large measure as a substitute for the interpersonal relations and other

^{43/} Commission Exhibit 93 in Hearings (Exhibits) .

^{44/} Commission Document 352 (to go in record)

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means of communication with the outside world which he was never able to establish. As suggested, it led him to his defection to the Soviet Union which was to mark him as an outsider to our society in a way that nothing else ever could. It appears to have moved him to attempt to go to Cuba in October of 1963 where he apparently hoped to find his ideal expressed to some extent in the real world. As suggested below, his failure to gain access to Cuba, which had the effect of cutting off any hope of finding that expression of his ideal, must have had profound effects on the state of mind with which Oswald approached the events of October and November , 1963.

His interest in communism had other isolating effects, without regard to his later defection. His expressions of sympathy for that cause led people to dislike and avoid him^{45/} and that, of course, justified in his own mind his inability to make friends, even though the reasons for that may have had

^{45/}
8 Hearings 18 (Wulf); Id. at 81 (Vinson).

nothing to do with his self-professed communism. That "justification" in turn prevented Oswald from seeing the real reasons for his isolation and made it even more difficult for him to overcome it. Furthermore, to the extent that the Rosenberg pamphlet suggested clemency for the Rosenbergs or argued that they were innocent and that society was guilty of condemning "innocent" people to death, Oswald was given a perfect excuse for refusing to accept the responsibility for his own isolation, which was undeniable. His, to him, inexplicable recollection of the pamphlet suggests that he must have identified with the Rosenbergs far more than he suspected. That identification may well have led him to conclude that he should at least be forgiven the faults that led to his isolation and it may have led him to think that he was not to blame for it at all. Our society itself was at fault, as Oswald probably saw it, for executing the "innocent", or at least the forgivable Rosenbergs, for isolating him and for doing any number of other things against which the hostility of this young man sought expression.

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Oswald's involvement with communism not only increased his alienation from the society around him, it also must have had a significant impact on his attitude toward authority figures. For that involvement only made him an outcast here, in this society which he saw as one of greedy capitalists, as one which was unworthy of his loyalty in any event. In the world at large his association with communism permitted him to identify with nothing less than the Soviet Union itself, ^{46/} a factor of which even the most powerful figures here must take account, and one which, translating matters into the institutional form in which Oswald liked to think about his personal problems, ^{47/} offered protection from the rapacious imperialism and exploitation of the greedy capitalists who were such a bane to Oswald's existence in the United States .

^{46/} While in the Marines Oswald studied the Russian language as well as Marxism, read Russian language newspapers, liked to be called "comrade" and, according to some of his former associates, "Oswaldovitch." When he played chess he always wanted to play the red pieces because "The Red Army is victorious over all." See 8 Hearings ___ (Call); Id., at ___.

^{47/} See Commission Exhibit ___ in ___ Hearings (Exhibits) _____. (His political writings and some of the psychological reports on that trait being in those who threaten the President.)

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The dynamics of that sort of thinking left nothing else to do but to defect, to renounce violently the society in which he had lived and go to the country which "I have always considered ... to be my own."^{48/} Oswald would find happiness there, in a place different from where he was, in a place where in his fantasy at least he would no longer be rejected as he had been throughout so much of his life already. The tremendous power that was the Soviet Union would see him through, and he would "never return to the United States which is a country I hate."^{49/}

The disappointments which Lee Harvey Oswald had met at the hands of authority figures in the past, however, were as nothing when compared to what was in store for him in the Soviet Union. In the first place the Russians told him that he could not remain.^{50/} His reaction was a striking indication of the extent to which he was alienated from his own society and committed to his own ideal of the Soviet Union, of the extent to which he had burned his emotional bridges behind him. It was also a striking indication of how the man would act

^{48/} Commission Exhibit 295 in ___ Hearings (Exhibits) ___.

^{49/} Commission Exhibit 294 in ___ Hearings (Exhibits) ___.

^{50/} Commission Exhibit 24 in ___ Hearings (Exhibits) ___.

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when he faced a real emotional crisis and had nowhere else to go. He attempted suicide.^{51/} He was shocked when he found that in spite of the great commitment he had made to the Soviet Union in his own mind, it did not accept him with open arms. The entry in his "Historic Diary" for October 8, 1959 reports:

"I am shocked !! My dreams ! ... I have waited for 2 years to be accepted. My fondest dreams are shattered because of a petty official....I decide to end it. Soak wrist in cold water to numb the pain. Then slash my left wrist; then plunge wrist into bathtub of hot water....somewhere, a violin plays, as I watch my life whirl away. I think to myself 'how easy to die' and 'a Sweet death, (to violins)....'" ^{52/}

Soviet authorities finally did permit Oswald to remain in the country. They did not, however, as far as we know, make any particular propaganda use of him or use him for any other political purposes. After rather extensive

^{51/} Commission Exhibit 24 in Hearings (Exhibits) ; (See Slawson's file on IC2 and IC3 furnished by the Russian government).

^{52/} Commission Exhibit 24 in Hearings (Exhibits) .

interviews during which they presumably determined that he was not acting in any way as an agent of the United States, they sent him to Minsk where he was to work in a radio and television factory as a sheet metal worker.^{53/} They subsequently refused his request to be permitted to attend a university in Moscow.^{54/} Aside from the fact that he was given a monthly allowance of ___ rubles a month in addition to his salary from the factory^{55/} and considerably better living quarters,^{56/} the authorities apparently treated him very much the same as any other Russian.^{57/}

While that sort of treatment was probably very much less than Oswald had expected to receive when he defected,^{58/} the most painful and surprising thing must have been the treatment he received from the people that he met in

^{53/} Footnote to Slawson's section of the report

^{54/} 9 Hearings 147 (Paul Gregory) (get more official info from Slawson)

^{55/} (see Slawson) ^{56/} (see Slawson)

^{57/} See 2 Hearings 342 (Peter Gregory).

^{58/} 9 Hearings 142 (Paul Gregory).

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Minsk. For, while he did have a few friends, Marina Oswald has told some of her closest friends that everybody in Russia "hated him."^{59/} She is reported as having said that she married him mainly because she felt sorry for him.^{60/} Whether those things are true or not, the problems that Lee Oswald had had in relating to the world around him quite clearly were not solved by his trip to the Soviet Union, any more than they had been solved by leaving New York or joining the Marine Corps. Furthermore, as might well have been expected, Oswald failed to find in the Soviet Union very much of that communist utopia that he had imagined it to be.^{61/} In addition, his disenchantment must have increased considerably as the novelty of the presence of an American gradually wore off and he began to be less and less the center of attention that he was when he first arrived.^{62/} In any event, less than eighteen months after his defection, prior

^{59/} 2 Hearings ___ (Mrs. Ford).

^{60/} Ibid.

^{61/} He told Jeanne deMohrenschildt that he came back because "I didn't find what I was looking for." 9 Hearings 312 (J. deMohrenschildt.)

^{62/} See id. at 234 (George deMohrenschildt).

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to the time he had even met Marina, Oswald opened negotiations with the United States Embassy in Moscow looking toward his return to the United States.^{63/}

In view of the intensity of his earlier commitment to the Soviet Union, the magnitude of the change in Oswald's thinking that must have occurred to enable him to return to the United States as well as the psychological effects of such a change must have been very great indeed. The degree of that magnitude, however, can only begin to be understood in the context of his earlier hatred of the United States, which was most clearly expressed in a letter to his brother Robert dated November 26, 1959.^{64/} Addressing himself to the question of why "I and my fellow workers and communists would like to see the present capitalist government of the United States overthrown" Oswald stated that that government supported an

^{63/} Commission Exhibit 245 in Hearings (Exhibits) .

^{64/} Commission Exhibit 295 in Hearings (Exhibits) .

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economic system "which exploits all its workers" and under which "art, culture and the spirit of man are subjected to commercial enterprising /and/ religion and education are used to suppress what would otherwise be a population questioning their government's unfair economic system and plans for war."

He complained about segregation, unemployment, automation and the use of military force to suppress other populations. Asking Robert why he supported the American government and what ideals he put forward, Oswald wrote:

"Ask me and I will tell you I fight for communism...I will not say your grandchildren will live under communism, look for yourself at history, look at a world map! America is a dieing country, I do not wish to be a part of it, nor do I ever again wish to be used as a tool in its military aggressions."

* * * *

"I have been a pro-communist for years and yet I have never met a communist, instead I kept silent and observed, and what I observed plus my Marx'ist learn-

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ing brought me here to the Soviet Union. I have always considered this country to be my own."

Responding to Robert's statement that he had not "renounced" him, Lee told Robert, "on what terms I want this arrangement." He advised Robert that

"1. In the event of war I would kill any american who put a uniform on in defence of its american government - any american.

"2. That in my own mind I have no attachment's of any kind in the U.S.

"3. That I want to, and I shall, live a normal happy and peaceful life here in the Soviet Union for the rest of my life.

"4. that my mother and you are (in spite of what the newspaper said) not object of affection, but only examples of workers in the U.S."

Oswald went on to note that:

"I am not all bitterness and hate, I came here only to find freedom....I could never have been personally happy in the U.S."

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We do not, of course, know very much about Oswald's life in the Soviet Union. It would be quite safe to infer, however, that it was not very pleasant if in less than eighteen months it made him want to return to the United States, in spite of his previous feelings about that country. His life in the Soviet Union must, in fact, have led to a feeling of alienation more profound by far than any he had yet experienced. Before, Lee had simply withdrawn from life, making little or no emotional commitment to it. But he had made a tremendous emotional commitment to his idealized concept of communism the actual experience of which in the Soviet Union turned out to be by far the most disastrous event of his life to date. His identification with communism and the Soviet Union had been subjected to the test of reality and laid bare as the fantasy it really was. There was no choice but to withdraw even deeper into the shell he had to rebuild around himself and to expand the frontiers of his rejection and hate to include even the Soviet Union, the former guardian angel in his world of fantasy.

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From now on, he wrote, symbolically while on the ship that brought him back to the United States in June of 1962, to "a person knowing both the communist and capitalistic systems ... their can be no mediation between the systems as they exist today and that person. He must be opposed to their basic foundations and represenatives." Since it would be immature, he thought, "to take the sort of attitude which says 'a curse on both your house' " he felt it necessary, in an expression of his fantasy of grandeur, which was to become even more pronounced after his return to the United States, to put forth to the world an "allturnative" to both systems.^{65/}

While Oswald actually attempted to describe this "allturnative"^{66/} which in his fantasy he was to give to those in the world who were less perceptive than he,^{67/} his real alternative was to return to Ft. Worth, Texas with his Russian

^{65/} Authority for all items in the above paragraph is Commission Exhibit 25 in Hearings (Exhibits) .

^{66/} Commission Exhibit 98 in Hearings (Exhibits) .

^{67/} See Commission Exhibit 25 in Hearings (Exhibits) .

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wife, whom he may have regarded as a part of Russia which he brought back with him, ^{68/} where he was to live first with his brother, and then, for a short time with his mother, and where he was to work for \$60.00 a week in the sheet metal trade that he had learned in the Soviet Union.

In the psychological retrenchment which Oswald effected as he experienced the realities of life in the Soviet Union he did not, of course, give up any more of that to which he had been emotionally committed than he had to. He blamed the initial refusal to let him remain there on a "petty official," ^{69/} not holding the Soviet Union itself in any way responsible. After his experiences in the Soviet Union had pushed him to reject that country and return to the United States he took the position that the basic principles of communism simply had not been implemented in the Soviet Union, ^{70/} that they did not have ^{71/} "true communism" there. He could not afford to and did not

^{68/} See 2 Hearings ____ (Mrs. Ford).

^{69/} Commission Exhibit 24 in ____ Hearings (Exhibits) ____.
It is interesting to note that his spelling of the above word is closer to "offal" than to "official."

^{70/} 9 Hearings 145, 154 (Paul Gregory).

^{71/} 10 Hearings 56 (Martello).

abandon his commitment to his own idealized conception of communism which had provided the psychological crutches to see him through so much of his life.

Similarly it seems likely that he did not want to give up any more of his idealization of the Soviet Union than he had to. He was still ambivalently involved with that country, which had previously played such an important role as an authority figure in his world of fantasy. He had not liked the way communism was being practiced there and he often spoke critically of the Soviet Union. ^{72/} Even though he returned to the United States, he continued his contact with the Soviet Union in several ways. Shortly after his return he wrote to the Soviet Embassy in Washington requesting information on how to subscribe to Russian newspapers and magazines. He asked the Embassy "to send us any periodicals or bulletins

72/

See e.g., 9 Hearings 145 (Paul Gregory); Commission Exhibit 97 in Hearings (Exhibits) .

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which you may put out for the benefit of your citizens living, for a time, in the U.S.A." (Emphasis added.)^{73/}

Oswald subsequently did subscribe to several Russian journals.^{74/} In the family they spoke only Russian, in part because, as Oswald said in August of 1963, "he hated America and he did not want them /his family/ to become 'Americanized' and that his plans were to go back to Russia."^{75/} Marina

Oswald never took any steps to become a United States citizen^{76/} and in fact, according to her at her husband's insistence, tried to obtain permission to return to the Soviet Union.^{77/} In July of 1963 Oswald also requested a visa to return to the Soviet Union, but it is difficult to determine just how serious he was about that.^{78/}

Oswald's continued interest in the Soviet Union may have been, as suggested, a function of his desire to retain

^{73/} Commission Exhibit 986, page 6 in ___ Hearings (Exhibits) ___.

^{74/} _____ ^{75/} 10 Hearings 56 (Martello). ^{76/} See INS Files.

^{77/} Commission Exhibit 7 in ___ Hearings (Exhibits) ___;
Commission Exhibit 9 in ___ Hearings (Exhibits) ___;

^{78/} Commission Exhibit 12 in ___ Hearings (Exhibits) ___;
Commission Exhibit 13 in ___ Hearings (Exhibits) ___;
see discussion at ___ infra.

intact as much as possible of his former identification with that authority figure. On a different level of analysis, it may have been caused simply by a desire on his part to leave himself some room to maneuver. If things did not work out well in the United States he could always go back to Russia. Oswald may well have thought that the fact that his wife had never attempted to become a citizen of this country but had, in fact, maintained contact with the Soviet Embassy would be helpful in any such attempt to return. He may have regarded his continuing contact with the Communist Party, U.S.A. in a similar way. ^{79/}

His interest in the Soviet Union was also almost certainly a continuation with a vengeance of the justification of his outsider status which prior to his defection had been furnished by his more modest claim to be a communist. He seems to have

^{79/} He did think that his Fair Play for Cuba Committee Activities would help him get into Cuba. 1 Hearings 24-25 (Marina Oswald).

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followed a similar course while he lived in the Soviet Union. His wife said that when he was in Russia he spoke highly of the United States and when he was in the United States he spoke that way about Russia.^{80/} His defection and his continuing interest in the Soviet Union and in communism generally no doubt had a natural appeal to Oswald for use at least in his own mind as excuses for the difficulties he must have expected to encounter in finding and holding a job and in being accepted generally by the community. For he could always claim that few people in an area like Dallas, which is noted for its militant anti-communism, could ever be expected to employ or associate with anyone with his background.

Even though Oswald used his association with the Soviet Union and communism to deceive others and most likely himself concerning his difficulties in obtaining and holding a job, those difficulties resulted primarily from his own lack of training and ability,^{81/} his dislike for the type of work that he sometimes

^{80/}

^{81/} 10 Hearings 187 (Graef).

had to accept as well as of the employees engaged in that type of work^{82/} and, once again, his alienation -- his inability to get along with other employees -- and his hostility to authority. Authority in this case seems to have been personified in the form of the capitalists who, Oswald thought, to such a great extent exploited him and his fellow workers. That exploitation -- the fact that he presumably made more money for his employer than he was paid -- was one of the reasons he gave for going to the Soviet Union in the first place.^{83/} He continued to think that way after his return to the United States and, although there is no evidence that he ever expressed any such thoughts directly to his employers, Michael Paine, one of Oswald's acquaintances, testified that he did not see how that resentment could help but show through to the employer, thus making Oswald an unattractive employee.^{84/}

One example of how he used his defection and attachment to communism to protect himself in the eyes of others concerning his employment failures is seen in the fact that he led people to believe that he told his prospective employers that he had last

^{82/} See 8 Hearings 178 (Marilyn Murret).

^{83/} See 8 Hearings 372 (Bouhe).

^{84/} 2 Hearings 400 (Michael Paine).

been employed in Minsk.^{85/} The fact that Oswald then seemed somewhat surprised not to be immediately employed became a private joke to some of Oswald's acquaintances.^{86/} In fact Oswald usually claimed to have been just discharged from the Marines.^{87/} Oswald did not need any excuses in connection with his first job, for his personality problems and other difficulties did not seem to interfere with his employment as a sheet metal worker, which was entirely satisfactory to the company which employed him in Ft. Worth after his return to the United States in June of 1962.^{88/} His interest in Russia, however, actually did play a part in his dismissal from his second job, as a trainee for Jaggars-Chiles-Stovall Company (J-C-S), a commercial photography firm in Dallas by which he was employed on October 12, 1963.^{89/} That job did not work out even though Oswald liked photographic work.^{90/} Oswald was not an efficient

^{85/} Get references to a couple of employment applications and TEC forms from Mosk.

^{86/}

^{87/}

^{88/}

Oswald was employed by the Leslie Welding Company from July ___ to October 8, 1962, at which point he voluntarily left the company and moved to Dallas. (authority).

^{89/}

10 Hearings 176 (Graef). ^{90/} 1 Hearings 68 (Marina Oswald).

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employee. He was not able to produce photographic work which adhered with sufficient precision to the job specifications, as a result of which much of his work had to be done over.^{91/} He also had difficulty getting along with the other employees, at least in part because of the close physical confines in which some of the work had to be done.^{92/} He did not seem to be able to make the accommodations necessary when people work under such conditions and as a result became involved in conflicts with his fellow employees, some of which were fairly heated.^{93/} In about February or March of 1963, after it had become clear that he was having considerable difficulty doing the more accurate work that was being required of him and after his personality began to "come out,"^{94/} it was noted that Oswald brought a Russian language newspaper to work.^{95/}

It is difficult to tell whether Oswald, as if to provide an excuse for his eventual discharge, started to bring the Russian

^{91/} 10 Hearings 187 (Graef); Id. at 172 (Stovall).

^{92/} Id. at 188-89 (Graef). ^{93/} Id. at 188 (Graef). ^{94/} Ibid.

^{95/} See Id. at 187 and 189 (Graef).

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language newspaper to work after his other difficulties became clear or whether his immediate supervisor took notice of the newspaper at that time because his attention had otherwise been drawn more directly to Oswald. In any event Oswald was discharged on April 6, 1963, according to the supervisor because of his inefficiency and difficult personality. The supervisor admitted, however, that while he did not fire Oswald specifically because of the newspaper incident or even weigh it heavily in his decision, "it didn't help either."^{97/} It is likely that Oswald was more than aware of that fact.^{98/}

^{97/} 10 Hearings 189 (Graef).

^{98/} While Oswald's defection was not known to J-C-S until after the assassination and could not have been a factor in his discharge (id. at 178, 191), the newspaper incident probably cost Oswald another job at another photographic firm to which he applied after his return to Dallas from New Orleans in October. In response to an inquiry from the prospective employer the president of J-C-S said that Oswald was "kinda peculiar sometimes and that he had some knowledge of the Russian language," and that he 'may be a damn Communist. I can't tell you. If I was you, I wouldn't hire him."
[Id. at 170-71 (Stovall).]

^{99/} Omitted.

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Another example of Oswald's inclination to lay the cause of his employment troubles to his communist or associated activities as well as of the difficulty he had in accepting the reality of his situation is found in his reaction to his employment experiences in New Orleans, where he moved on April 24, 1963.^{100/} Oswald there obtained on May 15, 1963 a job as a greaser and oiler of coffee processing machines for the William B. Reily Company.^{101/} After Oswald obtained that job and an apartment, Mrs. Ruth Paine, whom the Oswalds had first met at a party in February of 1963,^{102/} brought to New Orleans Oswald's family, which had been staying with Mrs. Paine since April 24, 1963.^{103/} Refusing to admit that he could only get work as a greaser, Oswald told his wife and Mrs. Paine that he was working as a

^{100/} (get footnote from Mosk)

^{101/}

^{102/} 2 Hearings 433 (Ruth Paine). ^{103/} Id. at 468.

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commercial photographer. ^{104/} When he lost his job on July 19, 1963, because he preferred to loiter in the garage next door to read rifle and hunting magazines, he told Mrs. Paine and Marina that his dismissal resulted from activities in which he engaged on behalf of the Fair Play for Cuba Committee, which in fact had nothing to do with his discharge from the Reily Company. ^{105/}

There was no question that Oswald could use some excuses such as communism or Fair Play for Cuba Committee activities to justify his difficulties in relating to the world, for those difficulties continued unabated, and they were not limited to his employment problems. Oswald did not have any friends or close associates in Texas when he returned there in June of 1962 and with the single exception of one George deMohrenschildt he did not establish any new relationships of that nature. ^{106/}

^{104/} 2 Hearings 517 (Ruth Paine).

^{105/} Hearings ____ (Monaghan). Oswald was discharged on July 19, 1963 but there is no record that he engaged publicly in Fair Play for Cuba Committee activities prior to August 9, 1963. See 10 Hearings 53 (Martello); Id. at 37-38 (Bringuier); Commission Document 365, p.43.

^{106/} See discussion in Appendix ____.

deMohrenschildt, an extraordinary non-conformist in his own right,^{107/} was a peripheral member of the so-called Russian community in the Dallas-Ft. Worth area -- a rather loose knit group of people who met socially from time to time and who were linked basically by their Eastern European emigre or or refugee background and their ability to speak the Russian language.^{108/} Oswald made contact with that group through one Peter Gregory, a Russian speaking petroleum engineer whom he met through the Texas Employment Commission office in Ft. Worth.^{109/} Some of the members of that group had considerable contact with the Oswalds through the Fall of 1963, and attempted in various ways to help them, particularly Marina.^{110/} The great majority of the members of that so-called Russian Community, with the exception of deMohrenschildt, quite quickly came to dislike Oswald,^{111/} and the hostility between him and some of them,

^{107/} See 9 Hearings 166-284 passim (George deMohrenschildt).

^{108/} Id. at 219-24; 8 Hearings 358 (Bouhe).

^{109/} FBI memorandum (to go in record).

^{110/} 8 Hearings 383-84 (Meller); see id. at 384 (Bouhe).

^{111/} 2 Hearings 306 (Mrs. Ford).

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particularly one George Bouhe, became quite intense.^{112/}

Much of that difficulty was caused by the "help" which they gave Marina. In the words of Jeanne deMohrenschildt:

"Marina had a hundred dresses given to her.../and/he objected to that lavish help, because Marina was throwing it into his face....He was offensive with the people. And I can understand why... because that hurt him. He could never give her what the people were showering on her....no matter how hard he worked - and he worked very hard."^{113/}

In addition, Bouhe and other members of the Russian Community including deMohrenschildt disapproved of the way in which Oswald treated Marina, particularly of beatings which he administered to her on occasion.^{114/} That disapproval led to a most striking interference in Oswald's affairs. Bouhe wanted to "liberate" Marina from Oswald^{115/} and apparently made arrangements for her to stay with the Mellers, also members of

^{112/} 8 Hearings 384 (Meller); Id. at 376 (Bouhe); 9 Hearings 314 (Jeanne deMohrenschildt).

^{113/} Id. at 309 (Jeanne deMohrenschildt).

^{114/} See, e.g., id. at 310; 8 Hearings 383 (Meller); 1 Hearings 250 (Marina Oswald).

^{115/} 9 Hearings 240 (George deMohrenschildt); 2 Hearings 307 (Mrs. Ford).

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the Russian Community.^{116/} Bouhe discussed the matter with deMohrenschildt who, together with his wife, actually went to Oswald's apartment and took Marina and the baby away.^{117/} Oswald quite naturally resisted as best he could and threatened to tear up Marina's dresses and break all the baby things. deMohrenschildt is physically a rather husky man and even though he admitted that the whole affair made him very nervous since he was "interfering in other people's affairs, after all", he testified that Oswald submitted to the inevitable, presumably because he was "small, you know, and he was a rather puny individual."^{118/}

Oswald attempted to get Marina to come back and, over the Bouhes' protest, deMohrenschildt finally told him where Marina was. deMohrenschildt admitted that:

"If somebody did that to me, a lousy trick like that, to take my wife away, and all the furniture, I would be mad as

^{116/- 118/}
Id. at 232.

"hell, too. I am surprised he didn't do something worse."^{119/}

After a two week separation Marina returned to her husband.^{120/}
Bouhe thoroughly disapproved and as a result contact ceased between the Oswalds and members of the Russian Community,^{121/} except for deMohrenschildt and his wife who, until their departure for Haiti in April of 1963, continued to see the Oswalds on occasion.^{122/} It is reasonable to infer that experiences such as the one discussed above would only serve to increase Oswald's alienation from what he must have regarded as a rather hostile world.

His relations with his mother after his return to Texas did not help matters either. Lee and his family lived with Margeurite Oswald for about a month after they had lived with

^{119/} Id. at 233.

^{120/} 2 Hearings 304 (Mrs. Ford); ___ Hearings ___ (Meller);
Id. at ___ (Ray).

^{121/} Id. at 307-08. The only such contact after Marina returned to Oswald occurred at a party at the Ford home on December 28, 1962 to which deMohrenschildt brought the Oswalds. Id. at 305-06; 8 Hearings 391 (Meller).

^{122/} 2 Hearings 307 (Mrs. Ford).

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Lee's brother Robert for two or three weeks after their arrival in Ft. Worth in June of 1962.^{123/} Marguerite visited Lee and his family at the first apartment which Oswald rented after his return, and tried to "help" them get settled in the new apartment.^{124/} After she had bought some clothes for Marina and a highchair for the baby, Lee told her in no uncertain terms to stop. As Marguerite testified, "he strongly put me in my place about buying things for his wife that he himself could not buy."^{125/} Things apparently came to the point where Oswald would not let his mother visit the apartment and became quite incensed with Marina when she would open the door in spite of his instructions to the contrary.^{126/} Presumably at least in part to avoid such conflicts, Oswald moved to Dallas over the weekend of October 8, 1962 without so much as a word to his mother.^{127/} He never saw her or communicated with her in any way again until she came to see him after the assassination.^{128/}

^{123/} 1 Hearings 133 (Marguerite Oswald). ^{124/} Id. at 134-35.

^{125/} Id. at 136 ^{126/} 2 Hearings 300 (Mrs. Ford).

^{127/} 2 Hearings 140 (Marguerite Oswald); ___ Hearings ___ (John Pic).

^{128/} 2 Hearings 141 (Marguerite Oswald).

The difficulties that Lee Oswald had in establishing meaningful relationships with real people, while not always a failing only on his own part, led him to seek such relationships in less real things. For example, when he went to New Orleans in April of 1963 he attempted for the first time to learn something about his family background. He made visits to some of his father's elderly relatives and to the cemetery in an apparent attempt to develop the facts of his genealogy.^{129/} While it does not appear that he established any new relationships as a result of his investigation he did obtain a large framed picture of his father from one of the elderly relatives with whom he spoke.^{130/} Oswald's interest in such things should be compared with his attitude when he defected to the Soviet Union. According to one of the reporters who spoke with him then, he evidenced no interest in his father and hardly mentioned him at all, even when questioned about him.^{131/}

^{129/} 3 Hearings 135-36 (Lillian Murret).

^{130/} 8 Hearings 166 (Marilyn Murret).

^{131/} ___ Hearings ___ (Priscilla Johnson).

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Oswald's contacts with the Communist Party, U.S.A.^{132/}
and his activities on behalf of the Fair Play for Cuba Committee^{133/}
furnish other examples of his tendency to establish relations of
a type not readily susceptible to the tests of reality in order to
provide some less readily assailable psychological props for his
own ego, which was generally rather badly battered as a result of
the more immediate or "real" encounters of his life. Those
contacts and activities tended to draw attention to him and to make
him feel wanted and important, things which Oswald needed very
much but which he generally did not get from his other activities.^{134/}
Oswald carried on a considerable correspondence with the
Communist Party.^{135/} He sent it and The Worker samples of
his photographic work, offering to do that sort of work for them
without charge.^{136/} He sought advice from the Communist Party

^{132/} See discussion at ____ supra.

^{133/} See discussion at ____ supra.

^{134/} 9 Hearings 234, 238, 278 (George deMohrenschildt).

^{135/} See Arnold Johnson Exhibits 1, 3, 4, 5, 6 and 7 in ____ Hearings
(Exhibits) ____.

^{136/} Tormey Exhibit 1 in ____ Hearings (Exhibits) ____.

concerning the role he should play in "progressive activities"
in view of his previous defection to the Soviet Union ^{137/} and
asked what he could do to "heighten" the progressive tendencies
of the American Civil Liberties Union, a meeting of which he
attended in Dallas on October 25, 1963. ^{138/} In an effort to
draw himself to the attention of the Communist leaders and
to create, at least in his own mind, a closer association he
sent to Arnold Johnson, Gus Hall and Benjamin J. Davis
"honorary" membership cards in his non-existent New Orleans
Chapter of the Fair Play for Cuba Committee, ^{139/} wrote to an
official of The Worker of former praise that he had received for
submitting samples concerning his photographic work and, ^{140/}
perhaps of somewhat lesser importance but still of interest,
signed most of his letters with such closings as "Fraternally
yours." ^{141/} Marina Oswald attested to the importance of such
correspondence to Oswald. She said that after Lee had begun

^{138/} Johnson Exhibit 7 in ___ Hearings (Exhibits) ___;
2 Hearings ___ (Michael Paine).

^{139/} Johnson Exhibits 1 and 3 in ___ Hearings (Exhibits) ___.

^{140/} Johnson Exhibit 5 in ___ Hearings (Exhibits) ___.

^{141/} See Johnson Exhibits 1 and 6 in ___ Hearings (Exhibits) ___.

his Cuban activity in New Orleans "he received a letter from...some Communist - probably from New York... and he was very happy, he felt this was a great man he had received this letter from....[it] was proof...that there were people who understood his activity."^{142/}

While Oswald's Fair Play for Cuba activities were to some extent an attempt to break out of the shell into which he had retreated and establish communication of some sort with the outside world, as well as an attempt to establish a record of pro-Castro activity which would assist him in his later attempt to go to Cuba, those activities also provide a striking example of how Oswald's alienation from the real world led him to structure a world of fantasy in which he was important

^{142/}
1 Hearings 23 (Marina Oswald).

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and well regarded and in which his own ideas could go largely untested by contacts with the real world. In late May and early June of 1963, under the name Lee Osborne, Oswald had printed a circular headed in large letters "Hands Off Cuba," an application form for and a membership card in the New Orleans branch of the Fair Play for Cuba Committee.^{144/} He first distributed his circular and other material in downtown New Orleans on August 9, 1963, at which time he became involved in a dispute with three anti-Castro Cuban exiles.^{145/} Oswald and the three Cubans were arrested and Oswald subsequently pleaded guilty to and was fined \$10.00 on a charge of disturbing the peace by creating a scene.^{146/} Charges against the Cubans were dismissed.^{147/} On August 16, 1963

^{144/} P. 173 of Commission Document 205; pp. 393-401 of Commission Document 6 (to go in record).

^{145/} 10 Hearings 53 (Martello); Id. at 37-8 (Bringuier).

^{146/} Commission Document 365, p. 43; see Lee Exhibit 6 in Hearings (Exhibits) _____.

^{147/} Ibid.

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Oswald again distributed FPCC materials, ^{148/} on August 17, 1963 he appeared briefly on the radio program of one William Stuckey^{149/} and on August 21, 1963 he debated Dr. Carlos Bringuier, one of the Cuban exiles who had been arrested with him on August 9, on a program over radio station WDSU, New Orleans. ^{150/}

While Oswald did publicly engage in the activities described above, his "organization" was pure fantasy, ^{151/} created by the mind of the man that identified with great leaders of history and who saw himself as being "prime minister" in 20 years. ^{152/} The imaginary president of Oswald's organization was an imaginary man by the name of

^{148/} 10 Hearings 39 (Bringuier). ^{149/} Hearings (Stuckey).

^{150/} 10 Hearings 42 (Bringuier).

^{151/} 1 Hearings (Marina Oswald); see 10 Hearings 57 (Martello).

^{152/} 1 Hearings 221 (Marina Oswald).

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A.J. Hidell,^{153/} a name that Oswald chose because it rhymed with "Fidel," the same name that he had used when he purchased the assassination weapon from a mail order house in March of 1963.^{154/} Oswald's own membership card in his own fantasy organization had been signed "A.J. Hidell" by Marina Oswald.^{155/} His "organization" had never been chartered by the national FPCC organization.^{156/} It did not have any members^{157/} in spite of Oswald's statements to the New Orleans police that it had 35 members and that meetings were held once a month at which five members were usually present.^{158/}

Even more striking evidence of Oswald's fantasies is provided by his letters to Mr. V. T. Lee, then national Director of FPCC. In an undated letter apparently written in June or July 1963^{159/} he told Mr. Lee that he had rented an office

^{153/} 1 Hearings ___ (Marina Oswald). ^{154/} Note from Ball-Belin.

^{155/} ___ Hearings ___ (Marina Oswald - last session).

^{156/} ___ Hearings ___ (Lee).

^{157/} There is no evidence that Oswald had any associates in his FPCC activities other than one or two people he hired to help him distribute leaflets on August 16, 1963. 1 Hearings ___ (Marina Oswald); 10 Hearings 68 (Steele, Jr.); FBI report on Oswald's Associates in New Orleans. (to go in record).

^{158/} 10 Hearings 54 (Martello).

^{159/} Lee Exhibit 4 in ___ Hearings (Exhibits) ___.

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from which to conduct his FPCC activities. On August 1 he wrote that the office had been "promptly closed three days later for some obscure reasons by the renters. They said something about remodeling, etc., I'm sure you understand."^{160/} According to Oswald he had managed to distribute "thousands of circulars." "We also managed to picket the fleet when it came in and I was surprised at the number of officers who were interested in our literature," Oswald went on to claim. He also advised Mr. Lee that he continued to receive inquiries through his post office box which he endeavored "to keep answering to the best of my ability." Oswald did strike one note of reality when he admitted that he was at the time of writing alone in his efforts on behalf of FPCC. That, however, was blamed on an imagined attack by Cuban exiles and an "official" cautioning he had received from the police. Oswald stated that "this incident robbed me of what support I had leaving me alone." He may have been alone but if he was, in his own mind it was only because the Cuban exiles had attacked a street demonstration that he had never had.

^{160/} All quotes in the above paragraph are from Lee Exhibit 5 in Hearings (Exhibits) .

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In spite of the above claims there is no record that Oswald was ever "officially cautioned by the police" prior to his arrest on August 9, 1963.^{161/} It is reasonable to assume that the alleged attack by the Cuban exiles of which Oswald wrote would have come to the attention of Dr. Bringuier, the anti-Castro leader who was arrested with Oswald on August 9, 1963.^{162/} But Bringuier did not meet Oswald until August 5, 1963^{163/} and he did not mention any pro-Castro or FPCC activity in New Orleans prior to his August 9 encounter with Oswald.^{164/} Furthermore, extensive investigation has uncovered no evidence that Oswald ever rented an office in New Orleans.^{165/} In view of the apparent lack of public activity on Oswald's part before August 9, 1963 it seems quite unlikely that there had been any distribution of

^{161/} See police records in Commission Document 365.

^{162/} Secret Service investigation

^{163/} Bringuier is the New Orleans delegate of the Cuban Student Directorate, an anti-Castro group, and would have been in a position to have heard of the event described by Oswald. 10 Hearings 34 (Bringuier).

^{164/} _____ ^{165/} 10 Hearings 32-51 (Bringuier).

"thousands" of circulars^{166/} or that he had ever received any questions through his post office box before August 1, 1963. It appears that the above letter was almost all fantasy on Oswald's part.^{167/} Much the same is true of Oswald's letter to Mr. Lee dated August 17, 1963.^{168/} Oswald there said that he had appeared on Mr. William Stuckey's fifteen minute television program over WDSU-TV called "Latin American Focus" as a result of which he was "flooded with callers and invitations to debates, etc. as well as people interested in joining the FPCC New Orleans branch." WDSU has no program of any kind called "Latin American Focus."^{169/} Stuckey has a radio program called "Latin Listening Post," on which Oswald was heard for less than five minutes on August 17, 1963.^{170/} There

^{166/} It appears that Oswald had only 1000 circulars printed (pp. 393, 394 of Commission Document), and by his own statement which we might assume to be exaggerated, he had only 2000 run off. Lee Exhibit 4 in Hearings (Exhibits) .

^{167/} That conclusion is buttressed by the fact that Oswald did not mention the alleged prior attack by Cuban exiles when he wrote Mr. Lee about the real attack by Cuban exiles which occurred on August 9, 1963. Lee Exhibit 6 in Hearings (Exhibits) .

^{168/} Lee Exhibit 7 in Hearings (Exhibits) .

^{169/} Get affidavit from WDSU per Jeanne's TC.

^{170/} Hearings (Stuckey).

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is evidence that Oswald had only one caller in response to all of his FPCC activities, an agent of Bringuier's attempting to learn more about the true nature of the alleged FPCC "organization" in New Orleans. 171/

Oswald's statements indicate that he wished to be flooded with callers and invitations to debate, an unlikely event in view of the obvious unpopularity of his cause. That would have given his own ego, which had little enough to support it, a substantial boost. He would have become a real center of attention as he had been at first in the Soviet Union, and in Ft. Worth and Dallas just after his return and as he actually was to some extent in the street fracas with Bringuier and his Cuban friends and in the radio debate with Bringuier. In thus drawing attention to himself Oswald was probably attempting to satisfy in the real world, outside of his world of fantasy, the needs of his own personality for the recognition which he had never earned

171/ 10 Hearings 41 (Bringuier); Id. at 269 (Mrs. Garner); see also 1 Hearings 25 (Marina Oswald).

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before and which he had never received from anyone. To the extent that the attention he drew to himself involved him in communication of one sort or another with other people he was also breaking through the barriers that isolated him from others. In addition to providing an insight into Oswald's fantasies, the whole FPCC episode can be regarded as at least in part an attempt by Oswald to penetrate that veil that had so long existed between himself and others and which was, of course, the hallmark of his alienation from the world in which he tried to live.

Significantly, Oswald's FPCC activities brought out the history of his defection.^{172/} Apparently some quick research by WDSU personnel uncovered the basic facts of that event and Oswald was confronted with them when he appeared for the debate on August 21, 1963. Thrown quickly

^{172/} Stuckey Exhibit 3 in Hearings (Exhibits) .

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on the defensive, Oswald was forced to claim that "we / FPCC / are not at all communist controlled regardless of the fact that I had the experience of living in Russia."^{173/}

In view of the difficulties that his defection would be likely to give him in connection with "the struggle for progress and freedom in the United States"^{174/} into which Oswald had "thrown himself" after his return from the Soviet Union, on August 28, 1963. Oswald asked the Central Committee of the Communist Party, U.S.A. whether or not he could "continue to fight, handicapped as it were by my past record... / and / compete with anti-progressive forces, above-ground or weather in your opinion I should always I should always remain in the background, i.e., underground." Admitting that he had used his "position" with the Fair Play for Cuba Committee to "foster communist ideals," Oswald expressed concern lest his opponents use his "background of residence in the U.S.S.R.

^{174/} Unless otherwise noted all quotes in the above paragraph are from Johnson Exhibit 4 in Hearings (Exhibits).

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against any cause which I join, by association, they could say the organization of which I am a member, is Russian controlled, etc." In reply the Communists advised Oswald that, while as an American citizen he had a right to participate in such organizations as he wished, "there are a number of organizations including possibly Fair Play, which are of a very broad character, and often it is advisable for some people to remain in the background, not underground."^{175/}

Thus we find Oswald in August of 1963, after a short three months in the city in which he had been born and had lived most of his early life, a disappointed and, no doubt, an even more withdrawn man. He had been able to hold his unliked job as a greaser of coffee machinery for only a little over two months. He had not found another job. His wife was expecting their second child in October and there was some concern, as well

^{175/}

Johnson Exhibit 4A in ___ Hearings (Exhibits) ___.

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there might have been, about the cost of that forthcoming event.^{176/}

His brief foray into politics had not been a success. While he had drawn some attention to himself and had actually appeared on two radio programs, he had been attacked by Cuban exiles and arrested, an event which Marina thought upset him and as a result of which "he became less active, he cooled off a little."^{177/} Far more seriously, however, the facts of his defection had become known, leaving him open to almost unanswerable attack by those who opposed his political views. The Communist Party had confirmed his worst fears when they suggested that in an organization such as FPCC it was better for a person like Oswald to remain in the background, which would have been difficult at best in an "organization" consisting solely of Oswald himself. In order to prevent his FPCC cause from being compromised by his defection he would

^{176/} Ruth Paine Exhibit 421 in ___ Hearings (Exhibits) ____.

^{177/} 1 Hearings 24 (Marina Oswald).

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have had to give up his activities on its behalf. Furthermore, he had not heard from the national headquarters of FPCC since May 23, 1963,^{178/} even though he had written four detailed letters since that time keeping Mr. V.T. Lee informed of developments.^{179/} That was a bitter pill to swallow for a man whose letters to FPCC and the Communist Party were the only means of communication he had with other people who shared any of his political views.

It appears that by August of 1963 Oswald had for some time been considering the possibility of leaving the United States again, either to return to the Soviet Union or to go to Cuba. On June 24, 1963 he applied for a new passport which he received on June 25, 1963.^{180/} In late June or early July he told Marina that he wanted to return to the Soviet Union with her. She said that he was extremely upset and very unhappy

^{178/} Lee Exhibit 3 in ___ Hearings (Exhibits) ____.

^{179/} Lee Exhibits 4-7 in ___ Hearings (Exhibits) ____.

^{180/} (footnote from Slawson)

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when he told her this and that he said nothing kept him in the United States, that he would not lose anything if he returned to the Soviet Union and he wanted to be with her. In Oswald's view it would be better to have less and not have to be concerned about tomorrow.^{181/} As a result of that conversation Marina wrote the Soviet Embassy in Washington concerning a request she had first made, according to her at Lee's insistence,^{182/} on February 17, 1963 for permission for herself and June to return to the Soviet Union.^{183/} While that first request specifically stated that Lee was to remain in the United States, she wrote in her letter of July 1963 that "things are improving due to the fact that my husband expresses a sincere wish to return together with me to the USSR."^{184/}

^{181/} 1 Hearings 21 (Marina Oswald).

^{182/} Commission Exhibit 7 in ___ Hearings (Exhibits) ___; see also Commission Exhibit 9 in ___ Hearings (Exhibits) ___.

^{183/} Ibid.

^{184/} Commission Exhibit 12 in ___ Hearings (Exhibits) ___.

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Unknown to Marina, however, Oswald apparently enclosed a note with her letter of July in which he requested the Embassy to rush Marina's entrance visa because of the impending birth of the second child but stated that: "As for my return entrance visa please consider it separately."^{185/}

Thus, while Oswald's real intentions, assuming that they were known to himself, are not entirely clear, he probably did not intend to go to the Soviet Union directly.^{186/} He really wanted to go to Cuba.^{187/} In his wife's words:

"I only know that his basic desire was to get to Cuba by any means, and that all the rest of it was window dressing for that purpose."^{188/}

To that end Oswald asked Marina to help him hijack an airplane.^{189/} She refused, but Oswald, speaking of his self-reliance, prepared for that event by sighting his rifle and practicing opening and

^{185/} Commission Exhibit 13 in Hearings (Exhibits) .
(Emphasis in original).

^{186/} See id. at 44. ^{187/} 1 Hearings 47 (Marina Oswald).

^{188/} Id. at 47. ^{189/} Id. at 22-23.

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closing the bolt on it in a screened porch in his apartment.^{190/}
In September he began to review Spanish,^{191/} a language with
which he was already to some extent familiar. He approved
arrangements for his family to return to Irving, Texas to live
with Mrs. Ruth Paine.^{192/} On September 20, 1963 Mrs. Paine
and her two children arrived in New Orleans from a trip to
the East Coast^{193/} and left for Irving with Marina and June and
most of the Oswalds' effects on September 23, 1963.^{194/} While
Marina knew of Oswald's plan to go to Mexico and thence to
Cuba if possible,^{195/} Mrs. Paine was told that Oswald was going
to Houston to look for work.^{196/} Oswald left for Mexico on
September 25, 1963.^{197/} He arrived in Mexico City on September
27, 1963 and went almost directly to the Cuban Consulate^{198/} where

^{190/} Id. at 21-22, 54.

^{191/} Id. at 49-50; Commission Exhibit 17 in ___ Hearings (Exhibits) ___.

^{192/} Ruth Paine Exhibit ___ in ___ Hearings (Exhibits) ___.

^{193/} Ruth Paine Exhibit ___ in ___ Hearings (Exhibits) ___.

^{194/} Ruth Paine Exhibit ___ in ___ Hearings (Exhibits) ___.

^{195/} 1 Hearings 23 (Marina Oswald).

^{196/} ___ Hearings ___ (Ruth Paine) ^{197/} (see Slawson)

^{198/} (see Slawson)

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he applied for a visa to Cuba in transit to Russia.^{199/}

Oswald presented himself to the Cuban Consulate as "the apparent Director in the city of New Orleans of the organization called 'Fair Play for Cuba' with the desire that he should be accepted as a 'friend' of the Cuban Revolution."^{200/} He apparently based his claim that he should be treated as in transit to Russia on the fact that he had lived there before, his work permit for that country and several unidentified letters in the Russian language.^{201/} The Cubans would not, however, give him a visa until he had received one from the Russians. A Russian visa application, however, would have taken four months to process.^{202/} When faced with that situation Oswald became greatly agitated, insisting that he was entitled to his visas because of his background, partisanship and personal activities on behalf of the -----

^{199/} Page 4 of Commission Document 776A - Slawson's Record.

^{200/} Ibid.

^{201/} Ibid.

^{202/} Id. at 5.

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Cuban movement.^{203/} Oswald became involved in an angry argument with the Consul himself who finally told Oswald that "as far as he was concerned he would not give him a visa" and that "a person like him [Oswald] in place of aiding the Cuban Revolution, was doing it harm."^{204/} After his difficulties at the Cuban Consulate Oswald unsuccessfully attempted to obtain a visa to enter the Soviet Union.^{205/} The Commission has received reliable information that Oswald was quite demanding in his approach to the Soviet Embassy, as a result of which the y soon refused to have anything to do with him.^{206/}

On October 2, 1963 Oswald left Mexico City.^{207/} He arrived in Dallas on October 3, 1963^{208/} where eleven days later he was, through pure happenstance, to get his job at the

^{203/} _____ ^{204/} _____
^{205/} See Commission Exhibit 15 in _____ Hearings (Exhibits) _____.
^{206/} (see Slawson) ^{207/} See discussion at _____ infra.
^{208/} _____ Hearings _____ (Barnhorst); Cunningham Exhibit _____ in Hearings (Exhibits) _____.

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Texas School Book Depository ^{209/} from the sixth floor of which so shortly thereafter he was to fire those fatal shots as the President passed below. He arrived back in Dallas a sharply frustrated and rejected man. In spite of his former residence in the Soviet Union and all of his supposedly significant activities in New Orleans on behalf of Cuba he had been sharply rebuffed by the officials of both countries in Mexico City. Now there was no chance to get to Cuba, where he had thought he might find that communist ideal of which he had dreamed so long. The United States government would not permit travel there and as far as the performance of the Cubans themselves was concerned, he was "disappointed at not being able to get to Cuba, and he didn't have any great desire to do so anymore because he had run into, as he himself said - into bureaucracy and red tape."^{210/}

Oswald's attempt to go to Cuba appears to have been quite similar to his defection to the Soviet Union. It involved

^{209/} Hearings (Truly).

^{210/} 1 Hearings 50 (Marina Oswald).

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another sharp expression of hostility toward the United States and its institutions as well as a concomitant attachment to a country in which he no doubt hoped to find that Marxist utopia, the ideal of which seems to have been for so long his chief psychological crutch. That attempt to go to Cuba appears to have been the culmination of an increasing attachment to that country which seems to have developed along with the increasing sense of failure he must have had about his life in the United States after his return from the Soviet Union. It should be noted that his first known use of the name "Hidell", a name he chose because of its phonetic relationship with Fidel,^{211/} occurred shortly after his failure in the photographic firm in Dallas became apparent.^{212/} He ordered a pistol and a rifle under that name and almost immediately used the latter to fire at General Walker.^{213/} It also appears that he made one foray into the streets of Dallas on behalf of Fair Play

^{211/} 1 Hearings ____ (Marina Oswald).

^{212/} See discussion at ____ supra.

^{213/} Ibid.

for Cuba after his discharge from the photographic firm and before he left for New Orleans.^{214/} In New Orleans his first public Fair Play for Cuba Committee activity occurred shortly after he was discharged by the Reily Company.^{215/} It thus appears that Oswald's expressions of affinity for Cuba, which also involved to some extent an expression of rejection and of hostility toward the United States closely followed some rejection of himself, in the cases outlined above, by his employers. Such expressions of hostility toward his society in response to a psychologically distressing situation is not as surprising as it might seem at first when Oswald's habit of thinking of his personal problems in institutional terms is recalled.^{216/} Furthermore, those expressions are not dissimilar from a psychological point of view from his attempted suicide that followed his initial rejection by Soviet authorities in October of 1959.^{217/}

^{214/} Lee Exhibit ___ in ___ Hearings (Exhibits) ___; also Dallas Police Report concerning FPCC activity in Dallas to go into record.

^{215/} See footnote 105 supra. ^{216/} See discussion at p. ___ supra.

^{217/} Commission Exhibit 24 in ___ Hearings (Exhibits) ___.

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After his rebuff in Mexico City Oswald had no place else to go in his quest for utopia, except for the possibility that the Soviet Union might grant him an entrance visa in response to the letters he and Marina had written to the Soviet Embassy in Washington in July. On November 9, 1963 he wrote to that Embassy in an attempt to smooth things over after his difficulties in Mexico City.^{218/} He absolved the Embassy in Mexico City from any responsibility for those difficulties, probably hoping to increase the chances of obtaining a visa which, as a result of his previous experiences in trying to get into and out of Russia, he must have known to be somewhat remote. The letter is also interesting because as far as the Commission can tell it is the last one he wrote prior to the assassination and it provides some additional insights into the nature of his fantasies at that time. In another example of his concern about his name he told the Embassy that he could not have remained in Mexico City any longer unless he used his real name, which in fact he did use on his trip to Mexico.^{219/} He said that the FBI was "not now" interested in his activities in FPCC, even though their only prior interest had been, at his

^{218/} Commission Exhibit 15 in Hearings (Exhibits) .

^{219/} See discussion at supra .

own request, to interview him after his arrest in New Orleans on August 9, 1963.^{220/} Presumably to make himself appear more important than he really was^{221/} he noted that the FBI "had visited us here in Dallas, Texas on November 1st. Agent James P. Hasty warned me that if I engaged in F.P.C.C. activities in Texas the F.B.I. will again take an 'interest' in me." Neither Hosty nor any other agent of the FBI spoke to Oswald on any subject after his^{222/} return to Texas and prior to the assassination. Hosty did speak to Marina and Mrs. Paine on November 1, 1963, but did not issue any such warning or suggest that Marina defect from the Soviet Union and remain in the United States under FBI protection as Oswald went on to say.^{223/} In Oswald's fantasy world "I and my wife strongly protested these tactics by the notorious F.B.I." In fact Marina only said that she would prefer not to receive any more visits from the Bureau because of the "very exciting and disturbing effect" they had upon her husband,^{224/} who was not even present at that time.^{225/}

^{220/} _____

^{221/} See 1 Hearings 48 (Marina Oswald).

^{222/} (see Stern).

^{223/} 1 Hearings 48-49 (Marina Oswald).

^{224/} Id. at 49.

^{225/} Id. at 48.

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After Oswald returned to Dallas he stayed for one day at the YMCA, ^{226/} for a week at a rooming house on Marsalis Street ^{227/} and then at 1026 North Beckley Street where he lived until November 22, 1963 under the alias of O.H.Lee. ^{228/} His wife remained in Irving with Mrs. Paine who was at that time separated from her husband, Michael. ^{229/} Lee stayed in the Beckley Street room during the week, generally calling Marina on the telephone twice a day. ^{230/} Except for the weekend of November 16-17, 1963, when Marina asked him not to come out, ^{231/} telling him that "perhaps it is not convenient for Ruth," he stayed with Marina at the Paine home in Irving every weekend after his return to Dallas and prior to the assassination. ^{232/}

The relations between Lee and Marina Oswald are of great importance in any attempt to understand Oswald's possible motivation. This is especially true in view of the fact that Oswald quite naturally turned to his wife for sympathy and support after the rude awakening he had received at the hands of the

^{226/} 10 Hearings 285-86 (Barnhorst).

^{227/} 6 Hearings 414 (Bledsoe).

^{228/} 10 Hearings 294 (Johnson).

^{229/} ___ Hearings ___ (Ruth Paine).

^{230/} 1 Hearings 53 (Marina Oswald).

^{231/} Id. at 63.

^{232/} Id. at 51-58.

Russian and Cuban officials in Mexico City. After his to him important attempt to get to Cuba had been frustrated he had no place to go in the outside real world. He could only turn more deeply into himself and to his family. In Marina's view after his return from Mexico "he changed for the better. He began to treat me better He helped me more - although he always did help. But he was more attentive."^{233/} Marina attributed that to their living apart and to the imminent birth of their second child. While those considerations, especially the forthcoming birth of the child about which Lee "was very happy"^{234/} no doubt helped to shape Lee's attitude toward his family it would be more realistic to recognize that the basic factor was their ability to salve at least in part the psychic wounds with which he had returned from Mexico City.^{235/}

Oswald might reasonably have expected, however, not to find any long term support in his relationship with Marina. Their life together in the past had been quite unstable. Oswald had never been able to obtain from his wife that respect

^{233/} Id. at 50.

^{234/} Id. at 54.

^{235/} It would not have been the first time that Oswald, in this respect not unlike other men, was drawn more closely to his family in time of stress. See Id. at 68.

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that most men must have in order to establish a meaningful, supporting relationship with their families. They were married after a courtship of only about six weeks, a part of which Oswald spent in the hospital. ^{236/} Marina told some of her closest friends in the United States that she married Oswald because everybody in the Soviet Union hated him and she felt sorry for him. ^{237/} Many of the people with whom the Oswalds became acquainted after their arrival in the United States thought that Marina married Oswald primarily in the hope that she would be able to leave the Soviet Union, ^{238/} and that she did not really love him. Several of the women of Russian background known to the Oswalds had histories of divorce and some had married Americans in Europe and subsequently divorced them after their arrival in the United States. ^{239/} That was undoubtedly known to Oswald and could only have made him all the more insecure in his relations with Marina.

^{236/} See discussion at _____ infra.

^{237/} 2 Hearings _____ (Mrs. Ford); 8 Hearings _____ (Meller);
Id. at _____ (Bouhe).

^{238/} Id. at _____ (Meller); Id. at _____ (Mrs. Frank Ray); 2 Hearings
302 (Mrs. Ford).

^{239/} Id. at _____; 8 Hearings _____ (Mrs. Frank Ray).

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The instability of those relations was a function of the personalities of both people. Oswald was overbearing in his relations with Marina. He attempted to be "the Commander"^{240/} by dictating many of the details of their married life, attempting to compensate for his inability to command his wife's attention and respect in other ways. While Marina said that Lee did not object to her learning English,^{241/} he made no attempt to help her and there are other indications that he did not want her to learn that language, according to Oswald so that he could continue to keep practicing his own Russian with her^{242/} and so that his family would not become Americanized.^{243/} Another reason was no doubt a desire to retain control over Marina by making it more difficult for her to go out on her own. Oswald beat his wife on occasion^{244/} and would not permit her to smoke or wear cosmetics^{245/} and generally treated her with contempt in the presence of others.^{246/}

240/ 1 Hearings ____ (Marina Oswald).

241/ Id. at ____.

242/ 2 Hearings 342 (Peter Gregory); 9 Hearings 153 (Paul Gregory).

243/ 10 Hearings 59 (Martello).

244/ 2 Hearings 304 (Mrs. Ford).

245/ 9 Hearings 259 (George deMohrenschildt).

246/ ____ Hearings ____ (Michael Paine).

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The difficulties which Oswald's psychological problems would have caused him in any relationship were not alleviated by Marina's conduct. One of the women with whom Marina stayed during her separation from Oswald in November of 1962 thought that Marina was immature in her thinking and at least partially responsible for the difficulties that the Oswalds were having at that time.^{247/} She said that Marina herself admitted that she provoked Oswald on occasion.^{248/} Of that there can be little doubt. One of the beatings which Oswald administered to her was occasioned by a letter which she wrote to one of her former boyfriends in Russia saying that she was very lonely in the United States, that Lee had changed a great deal and that she was "sorry that I had not married him instead, that it would have been much easier for me."^{249/} The letter fell into Oswald's hands when it was returned because of insufficient postage. Oswald read it, but refused to believe that it was sincere, even though his wife insisted to him that it was. As a result she received a beating as to which she

^{247/} 2 Hearings 300 (Mrs. Ford).

^{248/} Ibid.

^{249/} 1 Hearings 33 (Marina Oswald).

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testified:

"Generally, I think that was right, for such things that is the right thing to do. There was some grounds for it." 250/

Marina complained that Oswald was not able to provide more material things for her. 251/ On that issue George deMohrenschildt, who was closer to the Oswalds than anyone else during their first stay in Dallas, said that:

"She was annoying him all the time. Poor guy was going out of his mind....we told her she should not annoy him - poor guy, he is doing his best." 252/

On a rather more personal subject deMohrenschildt reported that:

"She said, 'He sleeps with me just once a month and I never get any satisfaction out of it.' A rather crude and completely straightforward thing to say in front of relative strangers as we were....I didn't blame Lee for giving her a good whack on the eye. Once it was all right. But he also exaggerated." 253/

Marina told a similar story to Mrs. Meller, with whom she stayed for a part of the November 1962 separation. To Mrs. Meller Marina indicated that there was something incomplete about Lee Oswald, that he "was not a man." 254/

250/ Ibid.

251 - 252/ 9 Hearings 233 (George deMohrenschildt).

253/ Ibid. Jeanne deMohrenschildt corroborated the above. Id. at 311, 313.

254/ _____ Hearings _____ (Meller).

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Marina also ridiculed Oswald's political views, thereby presenting herself as a constant threat to the fantasy world that he had created in his own mind. He told Marina ^{255/} that he would be prime minister in twenty years. He was very much interested in autobiographical works of outstanding statesmen of the United States, to whom Marina thought he compared himself. ^{256/} She said he was different from other people in "at least his imagination, his fantasy, which was quite unfounded, as to the fact that he was an outstanding man." ^{257/} In that connection she mentioned that the letters he received from Communist leaders in New York made him very happy because "he felt that this was a great man that he had received the letter from." ^{258/} Oswald thought Marina did not understand him and receiving such a letter was "proof that someone else did, that there were people who understood his activity." ^{259/} Whatever emotional support Oswald may have

^{255/} 1 Hearings 22 (Marina Oswald).

^{256/} Id. at 23.

^{257/} Id. at 22.

^{258/} Id. at 23.

^{259/} Ibid.

obtained from his peripheral contacts through the mail with the "great men" in New York was undoubtedly undercut considerably by Marina's attempts to lead him to view the world in a more "realistic" manner. In her own words she "always tried to point out to him that he was a man like any others who were around us. But he simply could not understand that."^{260/}

Jeanne deMohrenschildt, however, thought that Marina many times "said things that hurt men's pride."^{261/} She said that if she ever spoke to her husband the way Marina spoke to Lee, "we would not last long."^{262/}

Mrs. deMohrenschildt thought that Oswald, who she compared to "a puppy dog that everybody kicked,"^{263/} had a lot of good qualities, in spite of the fact that "nobody said anything good about him."^{264/} She thought that he might not have gotten involved in the assassination if people had been kinder to him. She had "the impression that he was just pushed, pushed, pushed, and she [Marina] was probably nagging, nagging, nagging."^{265/} It was to a marital relation with such a history

^{260/} Id. at ____.

^{261/} 9 Hearings 314 (Jeanne deMohrenschildt).

^{262/} Id. at 313.

^{263/} Id. at 309.

^{264/} Id. at 312.

^{265/} Ibid.

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that Oswald turned for support after his return from Mexico City in early October of 1963.

In spite of the difficulties that they had had, however, and in the face of the economic problems that were always with them, ^{266/} things apparently went quite smoothly from the time Oswald returned until the weekend of November 16-17, 1963. Mrs. Paine was planning a birthday party for one of her children on that weekend and her husband, Michael, was to be at the house. Marina said that she knew Lee did not like Michael and so she asked him not to come out that weekend. ^{267/} When Lee called to ask about coming out she told him "that he shouldn't come every week, that perhaps it is not convenient for Ruth that the whole family be there, live there." Lee said: "As you wish. If you don't want me to come, I won't." ^{268/}

On Sunday, November 17, 1963, Ruth Paine and Marina ^{269/} decided to call Oswald at the Beckley Street rooming house

^{266/} Marina was originally to stay with Mrs. Paine until after the Christmas holidays when it was hoped that Lee would have saved enough money to rent an apartment and move his family to Dallas to live with him. (See Ruth Paine letters and testimony).

^{267/} 1 Hearings 54 (Marina Oswald).

^{268/} Id. at 63.

^{269/} Ibid. Hearings (Ruth Paine).

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where he was living, unbeknownst to them, under the name of O. H. Lee.^{270/} They asked for Lee Oswald, who was not called to the telephone because he was known by the other name.^{271/}

When Oswald called the next day Marina became very angry about his use of the alias.^{272/} He said that he used it because "he did not want his landlady to know his real name because she might read in the paper of the fact that he had been in Russia and that he had been questioned...and also he did not want the FBI to know where he lived....because their visits were not very pleasant for him and he thought that he loses jobs because the FBI visits the place of his employment."^{273/} While the facts of his defection had become

known in New Orleans as a result of his radio debate with Bringuier,^{274/} it would appear very unlikely that his landlady in Dallas would read about him in the newspaper. Furthermore,

270/ 10 Hearings 294 (Johnson).

271/ 1 Hearings 65 (Marina Oswald).

272/ Id. at 63.

273/ Id. at 46.

274/ Stuckey Exhibit 3 in Hearings (Exhibits) ;
Johnson Exhibit 4 in Hearings (Exhibits) .

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even though it appears that at times Oswald was really upset by visits of the FBI, ^{275/} when he rented the room on Beckley Street they had not investigated him on their own initiative for over a year. ^{276/} Moreover, he had never lost any job because of the FBI ^{277/} and in any event it appears that he should have wanted them to know where he lived if he really was afraid that they would call at his place of employment.

It is easy enough to see, however, how a man as disturbed as Oswald was, could have come to the exaggerated and erroneous conclusions that led him to the use of the alias. The FBI had after all taken an interest in him in the past and did again shortly thereafter when Agent Hosty visited the Paine residence on November 1 and 5, 1963. There was no doubt that he had lost jobs in ways that made it much easier to blame the FBI than to face up to the real reasons for his

^{275/} Note 273 supra and 1 Hearings 32 (Marina Oswald). On the other hand he asked to be interviewed by an FBI agent following his arrest in New Orleans on August 9, 1963. (See Stern to see if the FBI reports of Oswald's interviews are to go in the record and if so what numbers-- if they have already gone. Get number for Quigley's report of 8/9 or so 63).

^{276/} Put in exhibit numbers of above FBI reports.

^{277/} See discussion at supra. (Check above reports to see if FBI ever interviewed anyone at his place of employment).

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difficulties. Furthermore, the other participants in the WDSU radio debate had learned about his defection and had used it against him with telling consequences in that debate. Oswald may well have thought that the whole world was becoming an increasingly complex conspiracy against him; he could never tell when the FBI was going to appear on the scene or who else was going to find out about his defection and use it against him as had been done in New Orleans. ^{278/}

The arguments he used in an attempt to justify his use of the alias were not persuasive to Marina, to whom "it was nothing terrible if people were to find out that he had been in Russia." ^{279/} She asked him: "After all, when will all your foolishness come to an end? All of these comedies. First one thing then another. And now this fictitious name." ^{280/} Lee called Marina several times on that Monday, ^{281/} but she finally hung up and would not talk to him further. ^{282/} She

^{278/} The record reflects examples of similar paranoid conduct on the part of Oswald's mother, to whom some witnesses have compared him. Hearings (Marguerite Oswald); (reference is to her disbelief that the Secret Service transcript and tape of her interview were bona fide--at very end of her testimony.) Hearings (Peter Gregory); (he compared Oswald and Margy) See discussion at infra.

^{279/} 1 Hearings 63 (Marina Oswald). ^{280/} Ibid.

^{281/} Id. at 65. ^{282/} Id. at 63

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said: "After I hung up on him and didn't want to talk to him he did not call again (that week). He then arrived on Thursday (November 21, 1963)."^{283/}

No one will ever know what went on in Oswald's mind between the time Marina told him not to come to Irving and the time they argued about his use of the alias or from that time until Thursday morning when he asked Wesley Frazier, the boy with whom he rode to and from Irving on weekends, for a ride to Irving that night to pick up some curtain rods for his room. It is clear that the president was in his thoughts at some time during that period, if not before. At the very latest he must have planned his attack prior to the time he spoke to Frazier about the curtain rods on Thursday morning, although there is, of course, no way to determine the degree to which he was committed to his plan at that time. While it may have been before, it seems most likely that he began to think of the assassination on Friday, November 16, 1963, the day on which the route of the presidential motorcade was first announced in Dallas^{284/} and the day on which Marina told him not to come to Irving. That would have been the first day that he could possibly have known that

^{283/} Id. at 28.

^{284/} See discussion at ___ supra. (Spector material covers this I think.)

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the President would pass the Texas School Book Depository, right below him, in an open car. It must also have been a day of considerable psychological disturbance. Whether he thought about assassinating the President over the weekend or not, and that can never be known for certain,^{285/} it is clear that he must have brooded about Marina's request that he not come to Irving because "perhaps it is not convenient for Ruth."^{286/} Here was a man who thought of himself as being "prime minister" in twenty years^{287/} but was "a puppy dog that everybody kicked" to the rest of the world, including for the most part his wife.^{288/} He had failed at everything he had ever tried to do. He had never established any meaningful relations with anybody or anything. Except for his family he was completely alone. Even though he had searched -- in his ideal of communism, in the Soviet Union and in his attempt to get to Cuba -- he had never found anything to which he could belong and as a result he craved the attention of others to an extent that is difficult for luckier and better men ever to understand. It appears that he had gradually had his psychological

^{285/} It does not appear that he said anything to anyone over the weekend that would help determine the answer to that question. For a discussion of the possibility that he engaged in rifle practice during that time see ___ supra.

^{286/} Hearings 63(Marina Oswald) ^{287/} Id. at 22.

^{288/} 9 Hearings 309 (Jeanne deMohrenschildt).

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underpinnings struck down until after he returned from his disastrous trip to Mexico his family was all that he had to give him the emotional support which he so badly needed. He was unable now, however, even to command the attention of his family. He could not keep them with him in Dallas, where at least he could see his children of whom he was so fond.^{289/} His family lived with Mrs. Paine, ostensibly because Lee could not afford to keep an apartment in Dallas, but there is good reason to believe that it was more because Marina simply did not want to live there with him.^{290/} And now it appeared to him that he was not welcome at the Paine home, where he had spent every previous weekend since his return from Mexico. His feelings of rejection and isolation must have been quite strong even before he and Marina had the argument about the alias, which could only have made matters worse. That argument must have called once again to his mind many of the arguments and unpleasantries in which he and Marina had engaged

^{289/} Oswald was deeply involved with his children. See, e.g., 1 Hearings ___ (Marina Oswald). Thus it was probably doubly humiliating that he could not accompany Marina to the hospital in October for the birth of the second child. He stayed home and sat with the children while Mrs. Paine took Marina to the hospital. Id. at ___.

^{290/} Id. at 28.

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so many times before and brought forcefully home to him the weakness of his marital relations.

The conversations on Monday ended when Marina hung up and refused to talk to him. He was once again the puppy dog that everybody kicked. That thought must have been in his mind along with others when he went to Irving on Thursday night and told Marina that he was lonely, that he wanted to make peace with her and bring his family to Dallas where they could live with him again. The events of that evening can be appreciated, however, only through the testimony about them which Marina Oswald gave:

"Mr. Rankin. Did your husband give any reason for coming home on Thursday?

"Mrs. Oswald. He said that he was lonely because he hadn't come the preceding weekend and he wanted to make his peace with me.

"Mr. Rankin. Did you say anything to him then?

"Mrs. Oswald. He tried to talk to me but I would not answer him and he was very upset.

"Mr. Rankin. Were you upset with him?

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" Mrs. Oswald. I was angry, of course. He was not angry--he was upset. I was angry. He tried very hard to please me. He spent quite a bit of time putting away diapers and played with the children on the street.

" Mr. Rankin. How did you indicate to him that you were angry with him?

" Mrs. Oswald. By not talking to him.

" Mr. Rankin. And how did he show that he was upset?

" Mrs. Oswald. He was upset over the fact that I would not answer him. He tried to start a conversation with me several times, but I would not answer. And he said that he didn't want me to be angry at him because this upsets him.

On that day, he suggested that we rent an apartment in Dallas. He said that he was tired of living alone and perhaps the reason for my being so angry was the fact that we were not living together. That if I wanted to he would rent an apartment in Dallas tomorrow--that he didn't want me to remain with Ruth any longer, but wanted me to live with him in Dallas.

He repeated this not once but several times, but I refused. And he said that once again I was preferring my friends

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to him, and that I didn't need him.

"Mr. Rankin. What did you say to that?

"Mrs. Oswald. I said it would be better if I remained with Ruth until the holidays, he would come, and we would all meet together. That this was better because while he was living alone and I stayed with Ruth, we were spending less money. And I told him to buy me a washing machine, because two children it became too difficult to wash by hand.

"Mr. Rankin. What did he say to that?

"Mrs. Oswald. He said he would buy me a washing machine.

"Mr. Rankin. What did you say to that?

"Mrs. Oswald. Thank you. That it would be better if he bought something for himself--that I would manage."^{291/}

That night Oswald went to bed before his wife retired. She did not speak to him when she joined him there, although she

291/ Id. at 65-66.

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thought that he was still awake.^{292/} The next morning he left for work before anyone else got up, carrying with him the long brown package that Frazier and Mrs. Randall saw him take.^{293/}

^{292/} Id. at 66.

^{293/} See discussion at ___ supra.

At this point we go to Section B which will consider various possible specific motives, including the possibility that the assassination was a purely psychotic act, perhaps suicidal in nature, as well as possibly political and other motives. Section B will also include an analysis of psychiatric reports of 9 patients who are confined in the United States Mental Hospital in Springfield, Missouri for having threatened the president, and a comparison of the traits of those patients to those of Oswald.

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RMM:ej

N E M O R A N D U M

TO : Howard P. Willens

DATE : August 19, 1964

FROM : Airman Mosk

I have gone over Oswald's biographical material and the Financial Appendix and made necessary corrections and comments and have returned them to the appropriate person.

I will gladly do anything else you may wish that can be done from this distance.

cc: Mr. Rankin
Mr. Mosk
Files (3)

ROUTING SLIP

Remarks

<u>RANKIN, J. Lee</u>	
<u>WILLENS, Howard P.</u>	
<u>ADAMS, Francis W. H.</u>	
<u>BALL, Joseph</u>	
<u>BARSTON, Philip</u>	
<u>BELIN, David W.</u>	
<u>COLEMAN, William T.</u>	
<u>CONROY, Edward A.</u>	
<u>EIDE, Julia T.</u>	
<u>EISENBERG, Melvin A.</u>	
<u>ELY, John H.</u>	
<u>FARRAR, Josephine</u>	
<u>GOLDBERG, Dr. Alfred</u>	
<u>GRIFFIN, Burt W.</u>	
<u>HECKMAN, Beverly</u>	
<u>HUBERT, Leon</u>	
<u>JENNER, Albert E.</u>	
<u>LIEBELER, Wesley J.</u>	
<u>MOSK, Richard</u>	✓
<u>O'BRIEN, John J.</u>	
<u>REDLICH, Norman</u>	
<u>SHAFFER, Charles</u>	
<u>SLAWSON, W. David</u>	
<u>SPECTER, Arlen</u>	
<u>STERN, Samuel</u>	

MEMORANDUM

March 17, 1964

TO: All Staff Members

FROM: Leon D. Hubert
Burt W. Griffin

RE: Showing of Video-Tape on the Shooting of Oswald.

1. On November 24, 1963, FBI Agents Lee and Barrett were watching a closed-circuit TV monitor in the office of Eddy Barker, Director of KRL-TV. Mr. Barker furnished this video tape to the FBI and we do not think we have seen it. We understand that it is different from the other films we have viewed.

2. On Saturday, March 21, at 9 A.M., there will be a showing of a movie tape made from this video tape and all members of the staff are welcome to view it. We understand the showing will last approximately one-half hour.

L. Hubert

File - Legislation

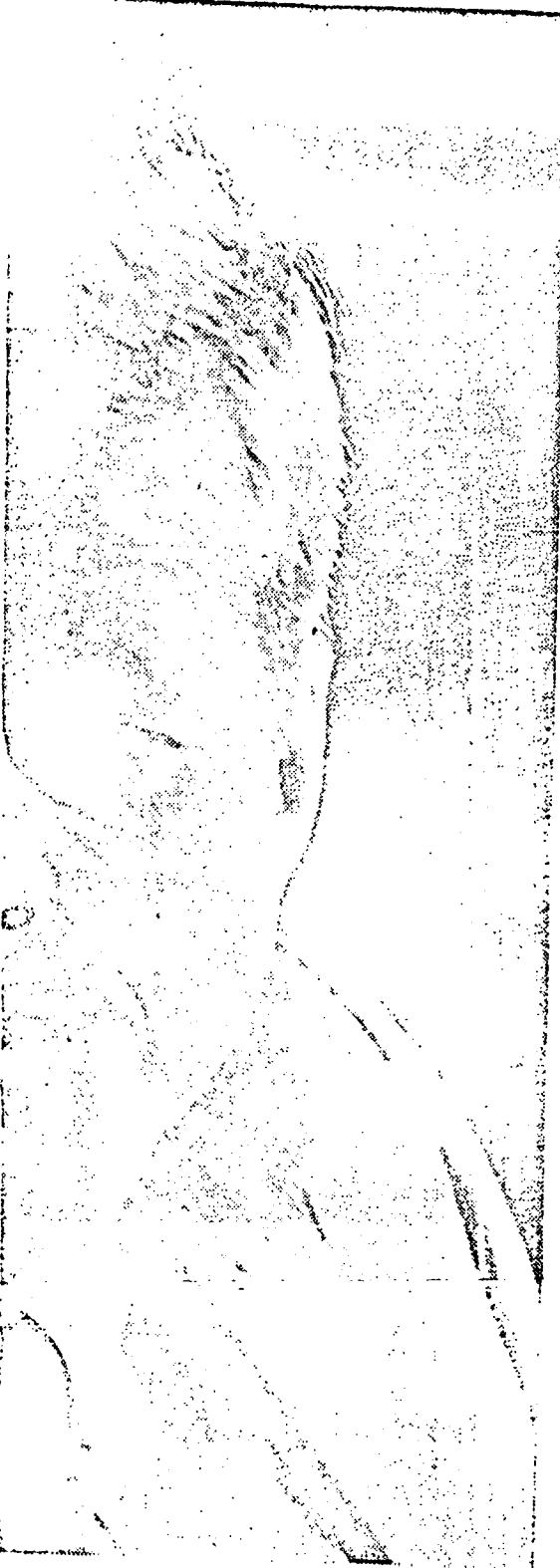
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Memoriam



963

nations and their people who, in silence
ny of John Fitzgerald Kennedy. He was
preeminence of this nation, and without

small confidence in our institutions is to
me power to the sure hands of Presi-
t of frightened little men must cause us
ad compassion. We must not be dismayed.
ion which require our patient discussion
atification and proper control consistent
physical injury to others need not pre-
ion of state and federal responsibility in
may require Congressional attention.
er of the President could have received
e who should have known better were
all news media poses a fundamental
nal dimension will be resolved with that
Fitzgerald Kennedy.

—William C. Warren, Dean

Taylor Claims
Oswald Belonged
In Federal Hands

by Jack Blum

"If the federal government had wanted custody of Lee Harvey Oswald, it could have had it," said Columbia Professor Telford Taylor, commenting on the events following the assassination of President Kennedy.

The federal government could have reasonably assumed that the shooting was part of a conspiracy and taken charge on that ground, Professor Taylor said.

"Conspiracy to kill the President is a federal crime under 18 U.S.C. 372. It is clear to me that the President made his trip to Dallas in line of duty."

He added that there would be no legal obstacle to the convening of a federal grand jury to investigate the situation.

"One thing has clearly emerged from the events in Dallas," he said. "The law covering assault on a federal official are in a sad state of confusion and disorganization. It is a crime to send a letter threatening to kill the President. (18 U.S.C. 871). Following through on the threat is not."

"It is also a crime to kill a game warden, a U.S. Marshall, a U.S. Attorney, or any member of the federal judiciary. It is not a crime to kill the President."

"Under 18 U.S.C. 1114 the Secret Service is authorized to protect the life of the President. It is also authorized to arrest counterfeiters. It cannot arrest a presidential assassin."

Professor Taylor suggested that new legislation would soon be forthcoming. He pointed to the federal kidnapping law which was enacted in the wake of the Lindbergh case.

Criticizing the role of the Dallas police force, Professor Taylor called the handling of the case lamentably bad. "It is not part of the police function to say that a man is guilty. The possibility of a fair trial was eliminated."

Pointing to the role of the press in the sequence of events in Dallas he said that the press had undoubtedly placed strong pressure on the police to bring Oswald out for public viewing. "Local police are not equipped to handle the pressure of all the networks demanding to see the suspect. The pressure of the press may explain why Oswald was frequently trotted out for public viewing."

Professor Taylor indicated that the role of the press presented yet another argument for cases such as this being placed in the hands of federal authorities. He said that federal authorities would be better able to cope with the pressure of the news media.

He added that if silence on the facts of the case was called for the decision should be a federal decision. "Silence, if any, should be calculated. The question should not be in the hands of local authorities."

Professor Taylor presented

(Continued on Page 2)

Deans Note First Reported Theft

It's open season again.

The Dean's Office received its first theft report of the academic year when a first year student lost his overcoat and books.

Taylor . . .

(Continued from Page 1)
some of his views on the B.B.C. home service last Tuesday night. He answered questions put to him by British newsmen. One of the British newsmen asked him if the processes of justice in the United States were always this poor in operation. He reassured them that this case was indeed unusual.

Comparing this case with the Eichmann case, Professor Taylor, commented, "One of the greatest complaints against the trial was that Prime Minister Ben Gurion had announced Eichmann's guilt before the trial began."

He had left them on the bench in front of the law library.

The student told the Dean's Office that the most valuable item among the things stolen was his class notes. The student had a locker but did not use it.

"This kind of thing will continue to happen if people insist on leaving their things in the open," warned Assistant Dean Russell Fairbanks. "We strongly urge students with lockers on the first floor to use them."

Last year there were close to a dozen reported thefts of books and overcoats in the law school building. At the time the administration put the blame on strangers wandering into the building to help themselves to anything loose. At one point three students caught one such stranger in the act. He was tackled in the library.

Kernochan

The loss of President Truman's overcoat seems to me to be a measurably small loss of mobility at this time. We can toward the end of our country's world and especially in the field of achievement. The loss of that equalizer whose importance is so well understood by our contributors is great enough and it outweighs the calculated harm that we counted on to do.

It is to express here a concern which will be thought of as a discussion of various aspects that could not fail to attract lawyers reflecting on the assassination and its aftermath — including the problems relating to the use of firearms, to the protection of actions, to news coverage and its implications for fair play to the problem of justice over the crimes in-

—John Kernochan
Professor of Legislation

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Dir. Work

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REMARKS <p style="text-align: center;">Attached is a draft outline of the final report prepared by Mr. Redlich. This outline, in addition to others prepared by members of the staff, will be discussed at a staff meeting on this subject to be scheduled as soon as convenient.</p>											
FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
Howard P. Willens						TELEPHONE			DATE		
									3/27/64		

GPO : 1962 O-633346

GSA FORM 14
FEB 62

PROPOSED OUTLINE OF REPORT

(Submitted by Mr. Redlich)

I. Statement of Objectives and Standards (Mr. Pankin)

(The Report should start with a brief statement setting forth the Commission's view of its objectives and standards used to achieve them. It is important to clarify the Commission's position as a fact-finding body and to indicate wherein our findings differ from a judicial determination of criminal guilt.)

II. Brief Summary of Major Conclusions (Redlich and Willens)

(The purpose of this section is to provide the reader with a short statement of our major conclusions without having to read through the entire document.)

- A. Basic Facts Concerning Assassination of President Kennedy and Shooting of Governor Connally
- B. Identity of the Assassin
- C. Conclusions Concerning Accomplices
- D. Conclusions Concerning Motive
- E. Ruby's Killing of Oswald and Conclusion as to Possible Link to Assassination

III. The Assassination - Basic Facts (Adams and Specter)

- A. Physical Setting
 - 1. Description of Motorcade
 - 2. Description of Area where shooting Occurred
- B. Shooting
 - 1. Number of Shots
 - 2. Medical Effect of Each Shot
 - 3. Point from which shots fired

4. Statistical data
 - a. Elapsed time of shooting
 - b. Distance travelled by Presidential Car
 - c. Speed of car
 - d. Distance travelled by each bullet
5. Events Immediately following Shooting
 - a. Reaction of Secret Service
 - b. Trip to Parkland
 - c. Events in Parkland
 - d. Trip to Love Field
 - e. Return to Washington

IV. Lee H. Oswald as the Assassin (Ball and Belin)

(This Section should state the facts which lead to the conclusion that Oswald pulled the trigger and should also indicate the elements in the case which have either not been proven or are based on doubtful testimony. Each of the factors listed below should be reviewed in that light.)

- A. Identification of Rifle as Murder Weapon
- B. Oswald's Ownership of Weapon
- C. Evidence of Oswald Carrying Weapon to Building
 1. Fake Curtain Rod Story
 2. Buell Frazier's Story
 3. Possible Presence in Paine's Garage on Evening of November 21, 1963
- D. Evidence of Oswald on Sixth Floor
 1. Palm Prints on Carton
 2. Paper Bag with Oswald Print

- E. Eyewitness Testimony
- F. Oswald After Assassination - Actions in Building
- G. Oswald After Assassination - Actions up to Tippit Shooting
- H. Shooting of Tippit and Arrest in Theatre
 - 1. Eyewitnesses
 - 2. Gun as Murder Weapon
 - 3. Oswald's Ownership of Gun
- I. Statements After Arrest
- J. Prior Actions
 - 1. Walker Shooting
 - 2. Possible Nixon Attempt
 - 3. Practice with Rifle
- K. Evidence of any Accomplices in Assassination
- L. Appraisal of Oswald's Actions on November 21 and 22 in Light of Assassination

(This will be a difficult section, but I feel we must face up to the various paradoxical aspects of Oswald's behavior in light of his being the assassin. I suggest the following items for consideration.)

- 1. Did He Have a Planned Escape?
- 2. Why did he pass up the Opportunity to get money on November 21 when he returned to Irving?
- 3. Discussion with Marina about getting apartment in Dallas
- 4. Asking fellow employee, on morning of November 22, which way the President was coming.

V. Possible Motive (Jenner, Liebeler, Coleman, Slawson)

- A. Brief Biographical Sketch of Oswald (Fuller biography in Supplement)
- B. Any Personal Animosity Toward Kennedy or Connally
- C. Do his Political Beliefs Furnish Motive
- D. Link to Domestic Left-Wing Groups
 - 1. Fair Play for Cuba
 - 2. Communist Party
 - 3. Conclusions to be drawn from such links
- E. Link to Right-Wing Groups
- F. Possible Agent of Foreign Power
- G. Possible Link to Underworld

VI. Killing of Oswald by Ruby (Hubert and Griffin)

- A. Facts of the Killing
 - 1. Actions of Ruby starting with November 22
 - 2. Description of Events on November 24
- B. Discussion of Possible Link with Assassination of President Kennedy
- C. Other Possible Motives
 - 1. Brief Biographical Sketch (Fuller Sketch in Supplement)
 - 2. Ruby as Self-styled Patriot, Hero, Important Man
 - 3. Possibility of Ruby being Mentally Ill

SUPPLEMENT TO BE PUBLISHED WITH REPORT

- A. Visual Aids To Help Explain Main Body of Report (All Staff Members Concerned)
- B. Organization and Methods of Commission (Willens)

C. Security Precautions to Protect Life of President (Stern)

1. What Was Done on This Trip
2. Broader Recommendations in This Area

(I recognize that this area has been the subject of extended discussion and it might be desirable to move this section into the main body of the Report)

D. Detailed Facts About President's Trip up to Assassination (Adams, Specter, Stern)

E. Biography of Oswald (Jenner, Liebeler, Coleman, Slawson)

F. Biography of Ruby (Hubert and Griffin)

G. Oswald Relationships with U.S. Government Agencies (Redlich, Stern, Coleman, Slawson)

H. Discussion of Widely Circulated Theories (Redlich and Eisenberg)

I. Other Important Documents We May Wish to Publish As Part of Supplement, I suggest the following:

1. Autopsy Reports
2. Summary of Testimony of Experts on Physical Evidence (Eisenberg)
3. Charts and Other Data Presented by Experts (Eisenberg)
4. Reports of Medical Examination on Governor Connally
5. Report of FBI and Secret Service on Location of President's car at Time of Shots (Redlich and Eisenberg)

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REMARKS

There will be a meeting of the staff to discuss this at 10 a.m. Friday morning. Mr. Rankin would like your critical evaluation of this outline and your suggestions regarding any additional supplements to the Final Report which relate to your area.

FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
Howard P. Willens						TELEPHONE		DATE 4/1/64			

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FEB 62

*Historical
Framework ?*

PROPOSED OUTLINE OF REPORT

I. Introduction and Statement of Objectives

(The Report should start with a brief statement setting forth the origin of the Commission and its objectives and standards. It is important to clarify the Commission's position as a fact-finding body and to indicate wherein our findings differ from a judicial determination of criminal guilt.)

Rule of Word ?

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- B. Identity of the Assassin
- C. Conclusions Concerning Motive
- D. Ruby's Killing of Oswald and Conclusion as to Motive
- E. Recommendations in the Area of Presidential Protection

III. The Assassination - Basic Facts

- A. Arrival in Dallas
- B. Physical Setting
 - 1. Description of Motorcade
 - 2. Description of Area where Shooting Occurred
- C. Shooting
 - 1. Number of Shots
 - 2. Medical Effect of Each Shot
 - 3. Point from which Shots Fired — See 4d

- 4. Statistical Data
 - a. Elapsed time of shooting
 - b. Distance travelled by Presidential car *where parked?*
 - c. Speed of car
 - d. Distance travelled by each bullet
- 5. Events Immediately Following Shooting
 - a. Reaction of Secret Service personnel
 - b. Trip to Parkland
 - c. Events in Parkland
 - d. Trip to Love Field
 - e. Return to Washington

IV. Lee Harvey Oswald as the Assassin

(This Section should state the facts which lead to the conclusion that Oswald pulled the trigger and should also indicate the elements in the case which have either not been proven or are based on doubtful testimony. Each of the facts listed below should be reviewed in that light.)

*Oswald's
life as
perpetrator
of crime?
See over*

- A. Identification of Rifle as Murder Weapon
 - 1. Ballistics
 - 2. Capability of Rifle
- B. Lee Harvey Oswald's Ownership of Rifle
- C. Evidence of Oswald Carrying Weapon to Texas School Book Depository
- D. Source of Shots
 - 1. Testimony of eyewitnesses and employees on fifth floor
 - 2. Medical testimony
 - 3. Location of rifle and cartridge cases

E. Evidence Placing Lee Harvey Oswald on Sixth Floor

- 1. Access to Floor
- 2. Palm Prints on Carton
- 3. Print on Paper Bag

F. Eyewitness Identification of Oswald Shooting Rifle

G. Probative Significance of Oswald's Actions After Assassination

- 1. Encounter with Baker and Truly
- 2. Departure from Building
- 3. Bus and Taxi Ride
- 4. Visit to Rooming House
- 5. Murder of Tippit
- 6. Arrest in Texas Theater

H. Police Interrogation of Oswald

I. Prior Similar Acts

- 1. General Walker Shooting
- 2. Nixon Incident

J. Oswald's Prior Experience with Weapons

K. Probative Value of other Oswald Acts prior to Assassination

- 1. Securing a Job in Texas School Book Depository
- 2. Return to Irving on November 21
- 3. Conversations with Wife
- 4. Failure to take Available Money

L. Conclusion

Wife has

What is Dallas police?

V. Possible Conspiratorial Motive

- A. Evidence of Accomplices at Scene of Assassination
- B. Evidence of Any Foreign Conspiracy
 - 1. Soviet plot
 - 2. Cuban plot
- C. Evidence of Any Domestic Conspiracy
 - 1. Rightist groups
 - 2. Leftist groups
 - 3. Underworld

VI. Possible Personal Motive

- A. Personal Animosity toward Kennedy or Connally
- B. Political Beliefs of Lee Harvey Oswald
- C. Psychological and Psychiatric

VII. Killing of Oswald by Ruby

- A. Facts of the Killing
 - 1. Actions of Ruby starting with November 22
 - 2. Description of Events on November 24
- B. Possible Conspiratorial Motive
 - 1. Conspiracy with Dallas Police Department
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- C. Other Possible Motives
 - 1. Ruby as Self-styled Patriot, Hero, Important Man
 - 2. Possibility of Ruby being Mentally Ill

~~3.~~
 (X)
 Legally or
 medically
 motive?

VIII. Presidential Protection

- A. Description and Evaluation of Secret Service Protective Measures with Regard to Dallas Trip
- B. Recommendations
 - 1. Enactment of Federal Legislation making Assassination an Offense
 - 2. Jurisdiction of Investigative Agencies
 - 3. Liaison and Coordination of Intelligence Data
 - 4. Deployment of Secret Service Personnel
 - 5. Other

58 precautions generally

what about in general (?)

Where does FBI fit in? →

POSSIBLE SUPPLEMENTS TO FINAL REPORT

(The following list assumes that the entire transcript of testimony before the Commission and accompanying exhibits are published simultaneously with the Final Report of the Commission. If this is not the case, then the list set forth below would have to be amended to include excerpts of the testimony and particular Commission exhibits.)

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 - 2. Autopsy Report
- D. Reports of Federal Bureau of Investigation and Secret Service on Location of President's Car at Time of Shots
- E. Documents and Charts Pertaining to Ballistics and Other Scientific Examinations
- F. Documents Associated with Oswald's Ownership of Rifle
- G. Dallas Police Department Reports re Interrogation of Oswald
- H. Detailed Biography of Lee Harvey Oswald (including childhood, education, family relationships, military career, life in Russia, marriage, return to United States, life in United States, trip to Mexico, etc.)
- I. Oswald's Relationships with United States Government Agencies
- J. Selected Political Writings of Lee Harvey Oswald
- K. Charts and Statements of Dallas Police Department Officials Relating to Security of Oswald
- L. Autopsy of Lee Harvey Oswald
- M. Detailed Biography of Jack Ruby
- N. Discussion of Widely Circulated Theories

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II. Narrative Account of the Assassination and Subsequent Events through November 24, 1963

III. Brief Summary of Major Conclusions

- A. Identity of the Assassin
- B. Conclusions Concerning Motive
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 - 1. Securing a Job in Texas School Book Depository
 - 2. Return to Irving on November 21
 - 3. Conversations with Wife
 - 4. Failure to take Available Money
 - 5. Renting of Room on Beckley Street under Alias
 - 6. Retention of Hidell identification card

L. Conclusion

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- B. Evidence of any Foreign Conspiracy
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 - 2. Conspiracy with those Responsible for Assassination of President Kennedy
- D. Possible Personal Motives
 - 1. Ruby as Self-styled Patriot, Hero, Important Man
 - 2. Psychological and Psychiatric
 - 3. Other

IX. Presidential Protection

- A. History of Presidential Protection, including Balancing of Security Needs and Public Obligations of President.
- B. Description and Evaluation of Secret Service Protective Measures in Connection with the Dallas Trip.
- C. Description and Evaluation of Intelligence Functions Relating to Presidential Protection at the time of the Dallas Trip.
 - 1. Secret Service Protective Research Section
 - 2. Other Federal Agencies
 - 3. Liaison among Federal Agencies
- D. Recommendations
 - 1. Enactment of Federal Legislation Making Assassination an Offense
 - 2. Permanent Advisory Board and Regular Supervision in the Treasury Department
 - 3. Deployment of Secret Service Personnel and Other Protective Measures
 - 4. Coordination of Intelligence Data and Inter-Agency Liaison
 - 5. Other

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 - 1. State Department
 - 2. Federal Bureau of Investigation
 - 3. Central Intelligence Agency
- K. Selected Political Writings of Lee Harvey Oswald
- L. Charts and Statements of Dallas Police Department Officials Relating to Security of Oswald

- M. Autopsy of Lee Harvey Oswald
- N. Detailed Biography of Jack Ruby
- O. Discussion of Widely Circulated Theories
- P. Chronology of Significant Events

GENERAL SERVICES ADMINISTRATION
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TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
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1.	The Staff										
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| <input type="checkbox"/> FULL REPORT | <input type="checkbox"/> PER TELEPHONE CONVERSATION | <input type="checkbox"/> |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ | | |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ | | |

REMARKS

Attached is the proposed outline
of the final report as approved by the
Commission at its last meeting.

FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME AND/OR SYMBOL						BUILDING, ROOM, ETC.					
Howard P. Willens											
TELEPHONE						DATE					
						4/30/64					

* GPO : 1962 O-655346

PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

200 Maryland Ave. N.E.
Washington, D.C. 20002
Telephone 543-1400

EARL WARREN,
Chairman
RICHARD B. RUSSELL
JOHN SHERMAN COOPER
HALE BOGGS
GERALD R. FORD
JOHN J. McCLOY
ALLEN W. DULLES

J. LEE RANKIN,
General Counsel

NOV 12 1964

Mr. Richard M. Mosk
66 Cleary Court, Apt. 708
San Francisco, California

Dear Mr. Mosk:

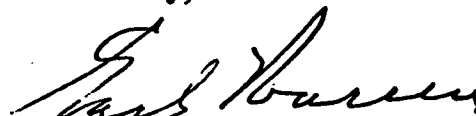
The work of the President's Commission on the Assassination of President Kennedy is almost completed. On November 13th, the twenty-six volumes of hearings and exhibits documenting the report filed on September 24th will be delivered to the President, and then our mission will have been accomplished.

It has been a long and arduous undertaking, but one that has been made easier because of the loyalty and devotion to duty of the members of the staff. For this, we are most grateful. When you were asked to come to help us, we had no idea it would take as long as it did, but your willingness to see the job through to the end was a source of great comfort and satisfaction to us.

I know it involved a real sacrifice on your part, but I trust that the inconvenience was not irreparable. The service you rendered to your country in one of its darkest hours was notable, and I hope the realization of the importance of your contribution will afford you lasting satisfaction. It was a pleasure to work with you, and you have my heartfelt thanks for your cooperation.

With best wishes for your continued success and happiness,
I am

Sincerely,



Chairman

PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

200 Maryland Ave. N.E.
Washington, D.C. 20002
Telephone 543-1400

J. LEE RANKIN,
General Counsel

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Chairman
RICHARD B. RUSSELL
JOHN SHERMAN COOPER
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GERALD R. FORD
JOHN J. McCLOY
ALLEN W. DULLES

OCT 21 1964

Richard M. Mosk, Esquire
66 Cleary Court, Apt. 708
San Francisco, California

Dear Richard:

On behalf of the Commission and myself, I wish to thank you for all that you did on the investigation and the Report on the Assassination of President John F. Kennedy to make it a success. I trust that you are taking just pride in the favorable reception that the Report has enjoyed.

I wish to also tell you how much I appreciated your return to help us with some of the problems toward completing the Report after you had gone to California and also for your suggestions from time to time that have been most helpful.

I am enclosing a copy of the letter from the President which I consider belongs to all of us because of our common efforts. The President asked that I thank each of you for your dedicated service and this I now do.

The autographed copy of the Report and the picture of the Commission will be forthcoming in due time, although there may be considerable delay because the Congress is not now in session.

With kindest personal regards, I am

Sincerely,



J. Lee Rankin
General Counsel

MEMORANDUM

To: J. Lee Rankin

From: Alfred Goldberg *AG*

RE: Proposed Outline of Report of the Commission

1. Pursuant to our discussion of March 3, I am submitting the attached preliminary draft of a suggested outline for the Report of the Commission. It is, of course, incomplete, but it may serve as a point of departure for development of a more definitive outline.

2. Since this report is intended for the public, it should aim to achieve the maximum of clarity and coherence through the use of simple, straightforward language. The report should be thoroughly documented by full citations to the Commission's records.

3. Part III, Analysis of Basic Questions, is the heart of the report. It should present the evidence relating to each question, weigh it, and arrive at a firm answer wherever possible. Part IV, Analysis of Theories and Rumors, should be relatively brief because it will deal with the great variety of theories, hypotheses, and rumors surrounding the event. This part should demonstrate that the Commission was fully aware of these questions and took due notice of them. ~~To explore these questions in detail would give them much more than their due.~~

4. Part V, Conclusions and Recommendations, should be brief and to the point - as positive as the evidence will permit. Recommendations will presumably pertain chiefly to the protective services and their procedures.

5. Part VI, Appendices, should provide the detailed background of major aspects of the report that cannot be developed as fully in Parts I-III.

6. The President's Executive Order directs that the Commission address itself to two events - the assassination of President Kennedy and the "subsequent violent death of the man charged with the assassination." Part I, The Assassination, should cover the period from the decision to make the trip to Dallas through the return to Washington. It is probably desirable to include an introductory section, as indicated, on Presidential Journeys. The murder of Oswald is properly the

subject of Part II, immediately following the account of the assassination of the President.

7. If the attached outline of Part I, The Assassination, is satisfactory as a starting point, it is possible to begin drafting Sections A-D. The facts relating to these sections are relatively well-established and the controversial aspects - primarily the operations of the protective services--will be dealt with in Parts III and VI. I am prepared to begin work on these four sections at your direction.

1 Inclosure

PRELIMINARY OUTLINE OF REPORT OF THE PRESIDENT'S COMMISSION
ON THE ASSASSINATION OF PRESIDENT KENNEDY

I.. The Assassination

A. Presidential journeys

1. Role of President as Head of State, Chief Executive, and Leader of Political Party.
2. President as prime symbol of national power and sovereignty. Exposure to public view part of tradition of American life. Leader of great democracy cannot isolate self from people. Public appearances desired by both President and public.
3. Presidential trips often combine official and political purposes. Normal, necessary, and desirable activities of President. Trips more frequent in recent years because of greater speed and ease of travel.
4. Presidential trips confront Secret Service and cooperating agencies with maximum protective problem because of greater exposure of the President on such occasions.

B. Decision to make trip

1. When? Who made decision? Why?
2. Advance publicity

C. Preparations for trip

1. Activities of Secret Service in Washington and Dallas
 - a. Protective Research Section activity
 - b. Advance preparation in Dallas
 - c. Liaison with local law enforcement authorities and other Federal agencies
 - d. Check of buildings along route of motorcade

D. Events in Dallas on November 22 up to 12:30 P.M.

1. Arrival at Love Field
2. Protective arrangements at Love Field, at Trade Mart, along motorcade route
3. Composition, organization, and protection of motorcade
 - a. Presidential car
 - b. Communications
4. Route of motorcade and speed
5. Events prior to arrival at intersection of Elm and Houston Streets

E. The assassination

1. The setting
 - a. Presidential car
 - b. Texas Book Depository

2. The shooting
 - a. Shots and effect
 - b. Distances
 - c. Time
 - d. Eyewitnesses of the assassination
 - e. Effect on bystanders and onlookers

F. Events following shooting

1. The trip to the hospital
2. Activity at Parkland Hospital
 - a. Actions on arrival - security arrangements
 - b. Medical attention for President
 - c. Medical attention for Governor Connally
 - d. Activities of Vice President and Mrs. Johnson
 - e. Scene at the hospital
3. Movements of Presidential party after pronouncement of death
 - a. Decision to return to Washington
 - b. Trip from hospital to Love Field
 - c. Swearing-in of President Johnson
 - d. Return to Washington
 - e. Removal of body to Bethesda and autopsy

G. Police activities at the scene of the assassination

II. The Murder of Lee H. Oswald

- A. Oswald's actions after the shooting
 - 1. Inside the Texas Book Depository
 - 2. Journey to his room
 - 3. Encounter with Officer Tippit
 - 4. Capture in Texas Theater
- B. Interrogation by Dallas Police and others
- C. Murder by Ruby
- D. Trial of Ruby

III. Analysis of Basic Questions

- A. Who was the assassin?
- B. Were there any accomplices?
- C. What was the motivation?
 - 1. Was there a conspiracy?
 - 2. Was the charged assassin a foreign agent?
 - 3. Was a foreign government involved in any way?
 - 4. Was the charged assassin mentally disturbed?
 - 5. Why did the charged assassin kill Tippit?
- D. What were Oswald's relations with U. S. Government agencies?
 - 1. Marine Corps and Navy
 - 2. State Department
 - 3. CIA
 - 4. FBI

- E. What was Ruby's role?
 - 1. What was his motive?
 - 2. What was his relationship with the Dallas police?
- F. Could protection of the President have been more effective?
 - 1. Why was Oswald's name not given to Secret Service and Dallas police?
 - 2. Was there any lack of cooperation among Government agencies involved?

IV. Analysis of Theories and Rumors

- A. Other conspiracy theories
 - 1. Brief, historical analysis of theory that conspiracies or groups are usually behind major political assassinations and that dangerous witnesses are killed after the commission of such crimes.
 - 2. Suggested and alleged conspiracy explanations of the assassination
 - a. Marxist - Communist conspiracy
 - b. Right-wing extremist conspiracy
 - c. Underworld conspiracy - Mafia, Cosa Nostra
 - d. Industrial - military complex working with radical rightists
 - e. Military plot with assistance of government agencies
 - f. Leading figures of either Republican or Democratic parties
 - g. Other

- B. Rumors - Psychological effect of Assassination on public
 - 1. Frequent identification of Oswald as having been seen in many parts of the country
 - 2. Frequent identification of Ruby as having been seen in other parts of the country

V. Conclusions and Recommendations

VI. Appendices

- A. Arrangements for protection of President
 - 1. Historical background
 - 2. Arrangements for Dallas trip
- B. Biography of Oswald
- C. Oswald's financial record
- D. Did Oswald attempt to kill Walker?
- E. Were Oswald's rights fully protected while he was held by the Dallas police?
- F. Mrs. Marina Oswald
- G. Biography of Ruby
- H. Autopsy report on President Kennedy
- I. Effects of national atmosphere of hatred and suspicion on protection of President
- J. Chronology

ROUTING SLIP

Remarks

<u>RANKIN, J. Lee</u>	
<u>WILLENS, Howard P.</u>	
<u>ADAMS, Francis W. H.</u>	
<u>BALL, Joseph A.</u>	
<u>BELIN, David W.</u>	
<u>COLEMAN, William T.</u>	
<u>CONROY, Edward A.</u>	
<u>EIDE, Julia T.</u>	
<u>EISENBERG, Melvin A.</u>	
<u>FARRAR, Josephine</u>	
<u>GRIFFIN, Burt</u>	
<u>HECKMAN, Beverly</u>	
<u>HUBERT, Leon</u>	
<u>JENNER, Albert E.</u>	
<u>LIEBELER, Wesley J.</u>	
<u>O'BRIEN, John J.</u>	
<u>REDLICH, Norman</u>	
<u>SHAFFER, Charles</u>	
<u>SLAWSON, W. David</u>	
<u>SPECTER, Arlen</u>	
<u>STERN, Samuel</u>	
<i>Mr Mark</i>	✓

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March 24, 1964

MEMORANDUM FOR MEMBERS OF THE STAFF

FROM: J. Lee Rankin, General Counsel

You have received a proposed outline of our final report as prepared by Dr. Goldberg. Staff members wishing to comment on this proposal or to submit their own proposed outlines should do so at their earliest convenience, preferably by March 30. An early staff meeting will be scheduled shortly thereafter.

Even before we have agreed upon an outline for the report, however, the staff should be aware of its responsibilities in connection with the writing of the report.

The prime responsibility for the writing of each area of the report lies with staff members involved with that particular area. I believe that the lawyers most familiar with facts are in the best position to set these facts before the Commission for ultimate consideration.

Every factual statement set forth in the report should be documented in the form of a footnote references to supporting materials. Such supporting materials may appear in a supplement to the published report, or as Appendixes to be published subsequent to the report, or may be material which will not be published but which will be available to interested individuals.

To the greatest extent possible the report should set forth the procedures we have followed to reach a particular conclusion.

For example, it would not be enough for the report to state that the ballistic tests show that Oswald's gun was used to kill Tippit. The report should indicate the steps which the Commission itself took to confirm the initial FBI conclusion. A footnote reference could direct the reader to the details of the ballistics examinations which would appear elsewhere in the report or in Appendixes.

In the writing of your section of the report you should consider which exhibits you feel would be useful to appear in the report in the form of visual aids, and also give preliminary consideration to the question of which underlying materials should be published in the form of appendixes or supplements.

I feel we should also start to consider a time schedule for the report-writing portion of our work. I suggest that we aim toward April 10, 1964, as the date when lawyers in each area should have started the writing of a first draft, and that we establish May 10, 1964, as the target date for the submission of a finished first draft for my consideration.

May 25, 1964

MEMORANDUM

TO: MEMBERS OF THE STAFF

FROM: Melvin A. Eisenberg *MAE*

The following constitutes the minimum amount of proofreading of page proof each attorney must do:

1. By Mr. Rankin's order, each attorney must proofread page proof where he has not proofread the original transcript.
2. The beginning of each session must be checked to insure that the names and titles of those present are correct.
3. All references to the introduction of exhibits should be checked. The text material concerning the introduction of exhibits was inserted by the stenographers. Many errors have been called to my attention by the printers and undoubtedly there are other errors which they have not caught.

This proofreading must be done within three days after receipt of the page proof.

MEMORANDUM

June 11, 1964

To: Mr. Rankin
Mr. Willens
Mr. Redlich
Messrs. Adams-Specter
Messrs. Ball-Belin
Messrs. Jenner-Liebeler
Messrs. Coleman-Slawson
Messrs. Hubert-Griffin
Mr. Stern
Miss Scobey
Messrs. Mosk-Ely ✓

From: Alfred Goldberg *ag*

The attached listing is not complete in detail, but it indicates the range of information about the case available to the public daily during November 22-25, 1963.

Attachment

Facts About the Assassination
Presented by the Newspapers and Networks
November 22-25, 1963

Between November 22 and November 25, the newspapers and the television and radio networks developed almost all of the essential facts of the Oswald case. The evidence pertaining to the assassination of President Kennedy came chiefly from the Dallas police and District Attorney Wade. Much of the information about Oswald's life prior to the assassination was developed by the press itself. An examination of the New York Times for this period reveals that as of each day the press had printed the following evidence in the case:

November 22 (New York Times, November 23, late city edition. This edition is published early in the morning and the stories are datelined November 22.)

1. Oswald had defected to the Soviet Union in 1959, had lived and worked there, and had married a Russian girl.
2. The essential facts of his previous life, including time and place of birth, some of his school career, and his interest in Marxism at an early age.
3. Facts about Oswald's Marine Corps career.
4. His return to the United States in June 1962 from Russia with his Russian wife and baby daughter.

5. The State Department lent Oswald \$435.71 to help finance his return to the United States. The Times did not know whether this loan had been repaid.

6. Oswald had written a letter to Senator Tower asking for his help in connection with his undesirable discharge from the Marine Corps.

7. Oswald had been an adherent of the Fair Play for Cuba Committee in New Orleans, had been arrested there, and had participated in a radio panel discussion about the Committee over a New Orleans station.

8. Oswald had tried to join anti-Castro forces in New Orleans. He had tried to infiltrate the Cuban Student Directory.

9. Oswald held a passport good for visiting the Soviet Union and a number of other countries in Europe.

10. Oswald's wife and two children were living in Irving, Texas.

11. Oswald had been employed at the Texas School Book Depository.

12. The police had found the rifle on the sixth floor of the Texas School Book Depository. It was possibly of Italian make.

13. Earlene Roberts, the housekeeper at 1026 North Beckley Avenue, had seen Oswald come into the house at about 1:00 p.m. and leave a few minutes after.

14. Sergeant Jerry Hill, who was among the police who captured Oswald at the Texas Theater, said that Oswald had fired his pistol once at the police.

November 23 (New York Times, November 24, late city edition)

15. Oswald had purchased the rifle on March 20, 1963. The Federal Bureau of Investigation had the letter. The price was \$12.78.

16. Oswald's proficiency firing test scores.

17. Oswald had ordered the rifle under the name of A. Hidell and had gotten it delivered to a post office box in Dallas under that name.

18. The police had a photo of Oswald with the rifle and with the pistol. The photo also showed Oswald holding two newspapers.

19. District Attorney Wade was quoted as saying that Mrs. Marina Oswald had said that her husband had had a rifle similar in appearance to the murder weapon in the garage at the Paine house in Irving. The rifle was not there after Oswald went to work in the morning.

20. Oswald had been seen carrying a brown paper package into the Texas School Book Depository building on Friday morning.

21. District Attorney Wade said he had mistakenly identified the rifle as a Mauser. The police said that the rifle was a 1938 model of the Carcano, with a four-power Japanese telescopic sight. It was a reconditioned rifle with a bore of 6.5 millimeters.

22. Oswald acknowledged being a Marxist but not a Communist.

23. The police had found no connection with organized crime.

24. The paraffin test of Oswald's hands had been positive.

25. Oswald had written to Governor Connally about his undesirable discharge from the Marine Corps.

26. Oswald had applied for a passport in New Orleans on June 24, 1963 and had received it the next day.

27. Chief Curry said that he had been able to tell that the shots had come from the Texas School Book Depository and that he had ordered the Texas School Book Depository surrounded moments after.

28. Oswald had been seen by a policeman and his supervisor, Mr. Truly, in the lunchroom of the building only a few minutes after the assassination.

29. Oswald had taken a bus and then a taxi to Oak Cliff shortly after the assassination.

30. Oswald's palmprint had been found on one of the cartons near the window from which the shots were fired.

31. In the immediate vicinity of the window the police had found three shells, one unexpended bullet, a bottle, an empty cigarette package, a piece of chicken, and a paper sack with chicken bones.

32. Michael Paine said that Marina and her children had been living at the Paine home since September and that Oswald had lived in a room in Dallas.

33. Paine said that he had noticed the blanket with an object in it in the garage but that he had thought it was an item of camping equipment.

34. White House sources said that President Kennedy was shot twice; one bullet had gone into his neck and had come out of the skull; he had bent forward, turned his head, and received another bullet in his skull.

November 24 (New York Times, November 25, late city edition)

35. Oswald had made a trip to Mexico. He crossed the border into Mexico at Laredo on September 26 and returned to the United States on October 3.

36. Oswald's school history was presented in detail.

37. His life in New Orleans between May and September was presented in some detail.

38. Ruth Paine had gotten Oswald his job at the Texas School Book Depository.

November 25 (New York Times, November 26, late city edition.)

39. Details of Oswald's visit to Mexico City, including his visits to the Russian and Cuban Embassies. The information was ascribed to a Mexican government source.

From Audio Tapes

Additional information was made available to the public through television and radio. It should be noted that the television and radio networks gave all of their time for almost $3\frac{1}{2}$ days to the coverage of this event. This complete dedication of all of their time and facilities gave them an advantage over the newspapers not only in the speed of presentation but in scope and depth of presentation also. Almost everything that appeared in the newspapers was probably presented over television and radio earlier.

A partial survey of audio tapes for November 23 only, reveals additional information as follows:

40. Communist literature in English had been found in Oswald's room.

41. Chief Curry said that he had heard that Oswald had been picked up by a car driven by a Negro and taken to the other side of town.

42. Police officers had passed Oswald out of the building because he had been vouched for by his supervisor.

43. Three shots had been fired at the President.

44. In response to a question, Chief Curry said that he did not know whether there was any connection between the assassination of the President and the firing at General Walker earlier in the year.

45. Three witnesses had seen Oswald shoot Tippit.

46. Chief Curry thought that Tippit had stopped Oswald because he thought that Oswald fit the description of the President's assassin that had been broadcast by the police.

47. Chief Curry said that he understood that the FBI had known sometime before the assassination that Oswald was in Dallas.

48. In response to a question, Chief Curry said that he did not have any concern about the safety of Oswald "but necessary precautions will be taken, of course."

49. In response to a question about transfer of Oswald to the county jail, Chief Curry said that it was customary to transfer a man who had been filed on.

50. The brown paper package carried by Oswald into the Texas School Book Depository on Friday morning had been large enough for the rifle to be carried intact.

51. Oswald's fingerprints had been found on the order for the rifle. Furthermore, the handwriting was also Oswald's, according to the FBI.

6-11-64

MEMORANDUM

TO: Members of the Staff

DATE: June 30, 1964

FROM: *Wm* Howard P. Willens

SUBJECT: Comments on Volumes 1-4, 6, 7 (pp. 1-359),
8-10 of the printed record

Attached is a self-explanatory memorandum prepared by Mr. Pollak commenting on several volumes of the testimony to be printed by the Commission. I would appreciate receiving any comments you wish to make about the general problem as well as any specific suggestions regarding possible deletions from the testimony which you elicited from witnesses.

M E M O R A N D U M

TO : J. Lee Rankin
General Counsel

June 18, 1964

FROM : S. R. Pollak

SUBJECT : Comments on Volumes 1-4, 6, 7 (pp. 1-359),
8-10 of printed record

Attached is a list of passages from the record which you will wish to consider for possible deletion. I have noted much which undoubtedly should not be taken from the record, but have starred (*) those passages which warrant serious consideration as to their removal. In the final group I have listed some miscellaneous matters which should be checked to insure completeness of the record. Many exhibits have not yet been properly made a part of the record, but I would assume that a check as to each exhibit will be made before the Commission concludes its work.

Attachment

I. Passages which if published might involve invasions of the privacy of the witness or which may be thought to be unjustifiably offensive, insulting or defamatory of some person other than the witness, and which may be of insufficient relevance to justify their publication.

<u>Vol.</u>	<u>Page</u>	
I :	167	Marguerite Oswald: "Reverend French did not show up" to perform funeral services for LHO.
* I :	239	Marguerite: Father of Carol, or Karen, co-employee of Marguerite at Royal Clothiers in Fort Worth, "was one of the biggest gangsters in Fort Worth, Tex." He was killed by other gangsters.
I :	346, 420	Mr. Robert Oswald: Didn't like Mrs. Paine, and suspected her of complicity in assassination.
* III :	138	Mrs. Paine: Reasons for her separation from her husband.
* III :	237	Mr. Truly: Jack Dougherty, employee of TSED, is "a man who probably needed some treatment when he was a little child, probably of some hormone nature He has no interest in women. . . ."
III :	336	Mr. Scoggins: When 17 or 18, he was arrested for stowing away on a tugboat.
VI :	214	Mrs. Hill expressed reluctance to have her 'twang' her being kidded about it publicized.
VI :	247	Mr. Holland asked that we not publish his statement that official cars park on railroad property because someone "might get in trouble."
* VI :	321	Inspector Sawyer: Charles Givens has previous record for narcotics violations.
* VI :	435	Mrs. Roberts: To her sorrow, she was unable to bear children. She is now working for a man who has cancer.

- * VII : 15 Mr. Burroughs: He failed the Selective Service mental examination.
- * VII : 83 Mr. William Smith: He has been convicted of auto theft.
- * VII : 86 Mr. George Applin: He has been convicted of burglary.
- * VII : 131-32, 171-72, 200-01, 242 Should the names of those being held by the police who were included in the line-up with Oswald be deleted (leaving their physical descriptions)? One of these men (Lujan) testifies at VI:243-46.
- VIII : 5 Mr. Voebel: The Neumcyer brothers were "ruffians, real punk-type guys."
- VIII : 23 Mrs. Bennierita Smith: Robin Riley was "a kind of smart Alec. . . ." VIII:27. It was rumored that students at Warren Easton took dope.
- * VIII : 30-31 Mr. O'Sullivan: Captain Ferrie, arrested in connection with assassination, was previously accused of violating some vice laws, possibly having to do with homosexuals.
- VIII : 144 Mrs. Murret: Her daughter Joyce "can't have any children." (VIII:153 Her other daughter Marilyn "docsn't want to get married.")
- * VIII : 156 Mrs. Murret: The Junior University of New Orleans is delinquent in paying its debts.
- * VIII : 253 Mr. Delgado: The bartender at the Flamingo bar, outside of Tijuana, visited by Oswald, was a homosexual.
- VIII : 258 Mr. Delgado: NCO Funk a bad leader and disliked by his men.
- VIII : 319 David Murray, Jr.: Delgado was immature, had few original thoughts, & was a show-off.

- IX : 8 Mr. Raigorodsky: He doesn't like priest at St. Nicholas and suspects him of being "either socialist if not Communist, Communistically inclined."
- * X : 73 Mr. Steele: He "was called by the priest and told that his son Charles had tried to get in a little gir's pants. . . ."
- X : 80 Mr. Geraci: He informed FBI of his friend Carlos Bringuier's activities. Mr. Geraci requested generally that his remarks not be publicized.
- X:250, 260 Mr. and Mrs. Tobias re Mr. Tobias' injuries in auto accident; Mr. Tobias states he was and always has been "goofy-headed."
- X : 287 Mr. Barnhorst: Joseph Hummel, resident at YMCA who allegedly knew Oswald, of low intelligence and "no end of trouble to me."
- X : 368 Mr. Davis: Mr. Slack "is just a temperamental hothead."

Marguerite Oswald also made the following remarks disparaging of others:

- I : 130-31, 188 (Criticizing Senator Tower's reported remarks); I:141 (criticizing audacity of Nixon); I:142, 165 (persons Marguerite states have information regarding Oswald's security connections); I:178 (disparaging references to Bobby Baker, Charles Van Doren, Fred Korth)
- IX : 66 Refusal of Dallas hospitals to treat Oswald baby when ill.

In addition, the record also contains numerous disparaging comments both about and by George DeMohrenschildt and his associates, and also some unflattering comment about other members of the Dallas Russian colony--for example, repeated references to Mr. Bouhe as a busybody, and the like. Although most of this is probably of too great relevance to permit excision, below there follows a list of the most egregious comments relating to DeMohrenschildt:

DeMohrenschildt:

I : 396, II : 327; VIII : 337, 434, 458, 464
(Mr. Bogoyavlensky, former husband of DeMohrenschildt's
present wife, a former Communist), 468, 469-70,
(Mr. Voshinin: Professor Zitkoff "can't stand"
DeMohrenschildt or his wife) IX : 13 (his second wife
was required to pay him \$30,000 upon their divorce);
IX : 15, 17, 19; IX : 25 (confidential letter from
John deMenil to Raigorodsky); IX : 98-102; IX : 120-124,
IX : 164, IX : 170 (DeMohrenschildt voices request
that reports be "conducted delicately") IX : 200, 201
(DeMohrenschildt describes litigation with former wife
regarding custody of daughter); IX : 221, 245
(Mr. Dymitruk a "cuckoo nut;" see also 9 : 307);
9:292 (Mrs. DeMohrenschildt reveals that her husband's
prank cost her her job, which he does not know to this
time); 9:926 (Mrs. DeMohrenschildt describes former
wife Didi as a very hateful person); X : 9-11;

III. Though I take it that everything about Lee Harvey Oswald is fair game and essential to a complete evaluation of the individual, because a question has been raised, attention should perhaps be directed to the references to him as a possible homosexual (VIII:270; VIII:319); to his affliction with gonorrhoea (VIII:312-315); and to his unsatisfactory sexual relations with Marina (VIII: 396-397; VIII:423-424; IX:233; IX:252; IX:311; IX:313)

IV: The record contains repeated references to press inaccuracies, often referring to particular newspapers or particular reporters, which of course must remain. In addition, there is some testimony which is uncomplimentary of certain members of the press for other reasons, and though probably in the same category, should be noted.

I : 45 Marguerite Oswald: Life magazine reporters invaded privacy of Paine home after assassination.

I : 169 Marguerite Oswald: Mr. Blair Justice "very, very rude" to her.

II : 26 Mr. Martin: Saturday Evening Post offered to pay Marina for information not known to the Commission.

VI: 215, 219-20 Mrs. Hill: Mr. Featherstone of Dallas Times Herald unlawfully imprisoned her and Mary Norman immediately after the assassination and allegedly "stole" Miss Norman's camera and the film therein.

V. Though testimony critical of local police and federal law enforcement agents again seems a vital part of the record, the following passages should be noted:

I : 75, 79-80 (FBI suggested to Marina that she had better cooperate if she wished to stay in this country)

I : 129 (Secret Service has stolen documents from Marguerite)

I : 143 (Marguerite not allowed to see Oswald first day)

I : 160,161 (Secret Service took Marguerite's papers; refused to protect her at hospital)

- I : 169 (Mike Howard and second Secret Service agent conspired with Marina in grand plot);
- I : 244 (Marguerite mistreated at Six Flags)
- I : 410,446 (FBI hard in interrogating Marina)
- III : 80-81 (treatment of Marina and Paines immediately after assassination)
- IX : 368-373 (testimony of Joe Molina regarding his apparently illegal arrest by Dallas police at 1:30 a.m., November 23, and his subsequent loss of his job)

VI. There is also a possible question as to the need or the seemliness of including in the record every word of medical testimony relating to the appearance of the President's body after the assassination. It is probably necessary, though unpleasant, to include the testimony regarding the medical student finding a piece of the head in the street the following day. But query whether it is also necessary to include a complete description of the President's under-clothing, his brace, and even down to the fact of whether or not the President was wearing an Ace bandage under the brace at the time of his death.

VII. The record contains several mild profanities, such as, e.g. reference to a "God-damn" object (II:74, III:221); to Oswald's reference to the State Department "as though they were a bunch of bastards" (II:396); to a witness' exact words as "No bull shit" (III:175), and "what the hell is going on?" (III:353). "Bitches" also seems to be a favorite word of deMohrenschildt.

VIII. Miscellaneous possible deletions:

- I : 126 Is there any reason to delete the testimony regarding the removal of Secret Service protection from Marina in light of Mr. Thorne's request that the matter be kept secret, at least temporarily?
- II : 381 Does Mr. McCloy's apparently jocular remarks to Colonel Finch that he should be "just as truthful seated as standing" read as suggesting any doubts as to the Colonel's truthfulness?
- III : 55-56 Does the colloquy among the members of the Commission as to who will be present to preside reflect adversely on the role assigned by the members to the work of the Commission?

- III : 393-94 Is it clear that Mr. Frazier's testimony contains no information which the Italian government would consider confidential? Has this been cleared with the Italian government?
- III : 438 Is there any reason not to give the Western Cartridge Company a plug in this record? See also III:455, 479 (.38 S & W Special)
- IV : 182 Is there any reason not to publicize Chief Curry's statement that the Dallas police has infiltrated the Dallas extremist organization?
- IV : 426-27 Is there any reason not to publish S/A Fain's reference to FBI informants in Fort Worth and Dallas?
- IV : 447 Is there any reason not to disclose S/A Hosty's testimony that on October 25, 1963 he was advised that Oswald was in contact with the Soviet Embassy in Mexico City?
- VI : 41, 49 Is there any reason (family or otherwise) not to publicize that the doctors withheld pronouncing the President's death until last rites could be performed? Incidentally, the drafts thus far contain no reference to the last rites having been performed.
- VI : 100 Is there any reason to withhold Dr. Gregory's prognostication that Governor Connally will retain a slight but permanent impairment? cf VI:108.
- VII : 296 Does the discussion off the record suggest that something is being hidden?
- IX : 1 Was the oath ever administered to Mr. Raigorodsky? Apparently not.
- IX : 3 What is the card which Mr. Raigorodsky is not supposed to have? Any reason to delete this reference?
- IX : 282-283 Is there any reason not to publish Mrs. Auchincloss' letter to deMohrenschildt?

X: 419-420 Should the Commission disclose the senders, the recipients, and the amounts of the various money orders sent to persons at the Dallas YMCA having no relation to Oswald?

IX: Miscellaneous questions regarding the completeness of the record in minor respects:

I : 3 Are the inconsistencies in Marina's previous statements to which she refers ever clarified?

I : 117 Was Peter Gregory asked about Fagodzin's play, "Man with a Rifle?" Was Golovacher contacted?

I : 153 Was "Mr. Hart Oflim" identified and deposed regarding picture of Ruby he allegedly showed Marguerite?

I : 493 Alleged telephone call checked out and negated on the record?

Does the record contain a statement from each and every federal intelligence and security agency expressly stating that Oswald was never employed by it as any type of agent?

I : 288-89 Does record contain anything regarding tracing of source of alleged donations to Marina?

II : 38 Does the record contain anything regarding alleged shooting of Warren Reynolds?

II : 60 Does record negate alleged Ruby-Tippit-Weisman meeting? Has Tippit's background been fully investigated and made of record?

II : 278 Did the teen-age boy (Milton Jones) who was a passenger on the bus with Oswald after the assassination testify?

Has a deposition been taken from Judge David Johnston, before whom Oswald was taken for a preliminary hearing?

Has further testimony been obtained as to the possibility that Marina wrote the signature on Exh. 819 (see IV:400)?

Are volumes 6-14 properly labelled as "Hearings" before the Commission?

Has Mr. Holland's testimony been fully pursued; e.g., has the station wagon (VI:245-66) been identified or at least described so as to eliminate Mrs. Palno's vehicle? Same question as to similar testimony of Mrs. Hill (VI:210), Mr. Craig (VI:266-67, 270). Was Fritz or anyone else questioned explicitly about alleged statements of Oswald testified to by Craig (VI:270)? Any background on Craig?

Have the results of the Frasier polygraph test been put into the record (see 7:192)?

Has Palmer McBride been deposed (VIII:1612)? Rossieon quian? Pavel (IX:146)? Yaiko (IX:266)?

Have the subscriber lists of American Russian-language publications been checked and put into the record? Have the loan records of the Fort Worth library regarding Leo Harvey Oswald's loans (or the fact of the non-existence of any such records) been put into the record (VIII:371)?

X : 45, 47

Have Mr. Bringuax's assertions regarding Communist association and Castro's remarks been negated on the record?

All the affidavits need dates. Should the record also contain the form statement of the notary indicating that the affidavit was in fact sworn to before him? Should the record contain an explanation of the manner in which the affidavits were prepared for signature by the affiant?

- X : 55 Have Dr. Reesaman and other possible
 Tulane contacts been developed on the
 record?
- X : 312,
 381 Who got his haircut with Oswald? Who
 drove him to the rifle range? Where did
 other gun come from?
- X : 335 Where did Oswald get a check for \$189?

PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

200 Maryland Ave. NE.

WASHINGTON, D.C. 20002

EARL WARREN,
Chairman
RICHARD B. RUSSELL
JOHN SHERMAN COOPER
HALE BOGGS
GERALD R. FORD
JOHN J. McCLOY
ALLEN W. DULLES

J. LEE RANKIN,
General Counsel

January 13, 1964

MEMORANDUM TO THE STAFF

This memorandum constitutes my official welcome to each of you as a member of the Commission staff. We have an important job to do and I know you share my desire to accomplish it with thoroughness, imagination and speed. The following matters will be of interest to you.

* * * * *

1. Personnel: To help you get acquainted with the other members of the staff presently on duty and those scheduled to report by next week I am attaching a copy of the Press Release prepared for release yesterday. Mr. Leon D. Hubert, Jr. of New Orleans is the additional senior staff member referred to in the release. The secretaries in my outer office are Mrs. Julia Eide, Mrs. Beverly Ann Heckman and Mrs. Anne V. Welsh. Miss M. Josephine Farrar of Archives is in charge of our file room and is assisted by Mrs. Ruth D. Shirley. Each of you, I am sure, will want to become acquainted with these and the other members of the staff at an early opportunity.

In addition to the legal staff, we have given some thought to specialized services which may be of assistance to the Commission. Dr. Winfred Overholser, recently retired as Superintendent of St. Elizabeth's Hospital, is available to advise the Commission and staff on psychiatric and related issues which are developed in the course of the Commission's work. We have consulted with the State Department regarding an able Russian specialist, in or out of Government, who may supply a special expertise on questions relating to Marina Oswald or Lee Harvey Oswald's experiences in the USSR. In addition, we are obtaining names of historians who may be available to consult periodically with the Commission or staff, and to assist in the drafting of the report.

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2. Terms of Employment: In addition to the matter of compensation, which I have discussed or will discuss with each of you personally, I know that you are interested in your status as government employees. As you may know, the Conflict of Interest statutes (18 U.S.C. 202-209) distinguish between regular officers and employees of the government and a category of officers and employees designated in 18 U.S.C. 202 as "special Government employees." This category includes, among others, officers and employees of government agencies who are appointed or employed to serve, with or without compensation, for not more than 130 days during any period of 365 consecutive days either on a full-time or intermittent basis. Special government employees are excepted from certain of the prohibitions imposed upon regular employees.

Members of this staff will be designated as special government employees. As applied to this category of employees sections 203 and 205 of Title 18 prevent him from representing another person before a department, agency or court only (1) in matters in which he has participated personally and substantially in his governmental capacity, and (2) under certain circumstances, in any matter pending before the agency he serves. I do not believe that the restrictions of sections 203 or 205 will be of real concern because the restrictions do not preclude your representational activities before any agency or body other than the Commission.

3. Housekeeping Arrangements: I apologize for the disarray of many of our offices. There may still be further adjustment concerning matters such as arrangement of desks, phones and electrical outlets, but I am hopeful that these matters will be finally resolved sometime this week. On matters such as keys, special supplies, employment forms, information relating to security or other matters, Mrs. Heckman of my office will be glad to assist you.

4. Files and Mail Room: The files maintained by the Commission are under the supervision of Miss Farrar. It is planned, of course, that these files will include all the raw materials and product of the Commission's work, arranged in a way both convenient for our purposes and for the subsequent use of the materials by historians. Miss Farrar is currently in the process of setting up a subject index of our work, and I suggest that you may wish to become acquainted with her system in the near future.

At the moment, however, certain basic materials are being maintained in the files in the front office. These include copies of the basic reports submitted by the FBI, Secret Service and the State Department, as well as the bulky underlying materials initially submitted by the FBI after they were requested by the Commission.

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During these first few days I think it is important to keep these materials available for the entire staff and I ask that you inform the secretaries prior to removing copies of these underlying reports from the office.

5. Outline and Organization of Work: Attached for your information is a tentative outline dividing the substance of the Commission's work into six areas. The areas are as follows: (1) Assassination of President Kennedy on November 22, 1963; (2) Lee Harvey Oswald as the Assassin of President Kennedy; (3) Lee Harvey Oswald: Background and Possible Motive; (4) Oswald's Foreign Activity (Military Excluded); (5) Murder of Lee Harvey Oswald by Jack L. Ruby; and (6) Security Precautions to Protect the President. Any such division of the work at this point, of course, must necessarily be tentative and I am sure that this outline will undergo substantial revision over the next few weeks.

Each of the first five areas will be assigned to a team of two lawyers, one senior staff member and one junior staff member. I would like the assignments of senior lawyers to be as follows: (1) Mr. Adams, (2) Mr. Ball, (3) Mr. Jenner, (4) Mr. Coleman, and (5) Mr. Hubert. I will retain immediate responsibility for the area of security precautions. Assignments of junior staff lawyers will be made this week. All the investigative reports, as well as any significant letters from the public or articles from the press, relevant to each of these areas will be assigned for review to the appropriate team of lawyers.

I would like each team of lawyers to prepare as soon as possible a comprehensive memorandum. At the very least, I suggest that this memorandum include the following: (a) summary of the facts already developed by the agencies in the area, (b) definition and discussion of the problems raised by the investigation and any public commentary, (c) recommendations as to further investigation to be conducted by the agencies, (d) recommendations as to the taking of testimony by the Commission in the area under study, and (e) a revised outline of the area, if you think this would be useful. In addition, I assume your memorandum will contain whatever other information, analysis or recommendations you consider important to the work of the Commission. Once these memoranda have been prepared, I think that we and the members of the Commission will be in a much better position than we presently are to assess the scope of the work which remains to be done.

During the past few weeks high priority has been given to the preparation for taking the testimony of Mrs. Oswald. Professor Redlich has been reviewing all the interviews of Mrs. Oswald and related

material in order to prepare this interrogation. I expect that the result of his work will be submitted to me this week and that the testimony of Mrs. Oswald will be taken later in the month. The FBI has been requested to conduct a complete background investigation of the Paines and it is contemplated that similar investigations will be requested of other people in Dallas and Fort Worth who associated closely with Oswald and his family.

In addition, two other projects have been initiated which are designed to assist our work. First, a chronological chart will be prepared which contains appropriate date and time of the relevant facts developed in this investigation. Such a chronological chart will serve a useful function in portraying facts of interest to the Commission and, in addition, might serve as a useful investigative tool in deciding what additional investigation, if any, is desirable. Certain areas of concern to the Commission, such as the movements of Lee Harvey Oswald on November 22, 1963, or the movements of Jack L. Ruby on November 24, 1963, particularly lend themselves to this approach. In view of the tedious nature of this project, I have taken steps to enlist the assistance of two agents of the Internal Revenue Service to work on this project on a full-time basis. The other major project which has been initiated is the preparation of a name index, which will contain the names and brief identification of each person whose name comes up in the course of this investigation. Miss Farrar will be in charge of this project.

I intend to make every effort to see that all the members of the staff are kept generally advised of the progress of this investigation. At the appropriate time I think it may be useful for copies of the summary memorandum from each area to be distributed to each member of the staff. The Chief Justice and I are anxious to hold frequent meetings of the staff to discuss the work and take maximum advantage of your diversified experiences and insights. I am sure that other ways of achieving this will occur to each of you and I want you to feel free to make suggestions on this and any other matters to me.

6. Basic Materials: It is necessary for the Commission to obtain all material currently in the possession of government agencies relevant to the assassination of President Kennedy. To this end, we have written to the ten major Executive Departments, fifteen commissions or agencies, and four Congressional committees, soliciting such information. With regard to the major departments and investigative agencies, I have requested that, where not already done, an official be designated to serve as liaison with the Commission. In addition, I have requested

each of these departments or agencies to make the necessary arrangements to ensure that all relevant information which subsequently comes to their attention is made available to the Commission as soon as possible.

We have hired a professional clipping service to supply the Commission staff with a good sampling of articles relating to the work of the Commission. As of late December we began obtaining every pertinent article from the 100 major cities in the United States. The clipping service is also reviewing newspaper and magazine articles which came out immediately following the assassination and will supply us with the pertinent articles from the 15 or 20 principal newspapers in the country, the Dallas papers and the leading magazines. All the clippings received by the Commission will be reviewed and those of particular interest will be distributed to the appropriate members of the staff. All the clippings are filed by Miss Farrar.

Attached is an index of the source materials in the possession of the Commission as of January 10, 1964. It is intended, of course, that each of you have a set of the basic FBI, State and Secret Service reports, listed in the index as items 1, 2, and 3. Additional copies of these have been requested and I anticipate that they will be delivered to the Commission within the next few days. Items 4 thru 7 are the major FBI reports underlying the summary report. In addition to the two copies of these reports maintained in my front office, copies have been made of these materials for distribution according to subject matter to the appropriate team of lawyers. The same is being done with the other FBI reports subsequently submitted and listed in the index as items 8 thru 75. In order to advise you of the general nature of these reports, I have prepared xerox copies of the synopses and table of contents (where supplied) of these FBI reports. If you have not already done so, Mrs. Welsh in the front office will be glad to give you these materials.

Where possible, it is intended that sufficient copies of all materials will be made so that one set will be maintained in our files for general use and other copies may be used on a working basis by the lawyers mainly concerned with the subject matter dealt with in the report. In some instances, however, such as the materials supplied by the Attorney General of Texas, military records, or tax returns, production of extra copies does not appear to be as necessary. Where this is the case, the materials will be filed by Miss Farrar and available for general use. If during your review of any of these

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materials you decide that additional copies should be made please make the necessary arrangements. The materials listed in items 81-100 were all received by the Commission in the last two days and have not yet been even superficially reviewed. Additional copies of much of this material will be made and distributed as soon as possible.

* * * * *

Arrangements have been made for a showing of films relating to the assassination on Thursday, January 16, 1964 at 3:30 p.m. in Room 2334 of the Treasury Building. I hope that all members of the staff will be able to attend.

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FOR IMMEDIATE RELEASE.
June 24, 1964---6:30 p.m.

The Commission has learned of published reports to the effect that the report of the Commission will be published within the next few days. The Commission wishes to announce that these reports are unfounded.

Howard P. Willens

The above release was read to the following, between 6:30 and 6:47 p.m.
June 24, 1964:

AP--general desk
UP---ticker
Washington Post---World Desk Editor, Mr. Silverman
Washington Star---National Desk, Mr. Brian Dickenson
New York Times---News Desk

Memor. Tly & Mock

Vol. 24-B
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PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

Report of Proceedings

Held at

Washington, D. C.

Monday, March 16, 1964

PAGES 2732 to 2735

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PRESIDENT'S COMMISSION
ON THE
ASSASSINATION OF PRESIDENT KENNEDY

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Washington, D.C.

Monday, March 16, 1964

The President's Commission met, pursuant to recess, at 5.47 p.m., in the Hearing Room, Fourth Floor, 200 Maryland Avenue, Northeast, Washington, D.C., Chief Justice Earl Warren, presiding.

PRESENT:

Chief Justice Earl Warren, Chairman

Senator John Sherman Cooper, Member

Representative Gerald R. Ford, Member

John J. McCloy, Member

- - -

J. Lee Rankin, General Counsel

Norman Redlich, Special Assistant to General Counsel

- - -

P R O C E E D I N G S

The Chairman. Gentlemen, I wish to read the following resolution governing the questioning of witnesses by members of the Commission staff:

"Pursuant to Executive Order No. 11130, November 29, 1963, which authorizes this Commission 'to prescribe its own procedures', it is therefore

"Resolved, that the following are hereby adopted as the rules of this Commission for the questioning of witnesses by members of the Commission staff.

"I. Sworn Depositions:

"A. Individual members of the staff are hereby authorized to administer oaths and affirmations, examine witnesses, and receive evidence in the form of sworn depositions on any matter under investigation by the Commission.

"B. Such sworn depositions may be taken only from witnesses designated in writing for questioning in this manner by the Commission, by a member of the Commission, or by the General Counsel of the Commission.

"C. A stenographic verbatim transcript shall be made of all sworn depositions. Copies of the witness' testimony shall be available for inspection by the witness or his counsel. When approved by the Commission, said copies may be purchased by the witness or his counsel at regularly prescribed rates from the official reporter.

"D. Process and papers of the Commission issued under Paragraph (d) of Joint Resolution S.J. 137, 88th Congress, 1st Sess., shall be returnable no less than three days from the date on which such process or papers are issued, and shall state the time, place, and general subject matter of the deposition. In lieu of such process and papers, the Commission may request the presence of witnesses and production of evidence for the purpose of sworn depositions by written notice mailed no less than three days from the date of the deposition.

"E. The period of notice specified in Paragraph D may be waived by a witness.

"F. A witness at a sworn deposition shall have the right to be accompanied by counsel of his own choosing, who shall have the right to advise the witness of his rights under the laws and Constitution of the United States, and the State wherein the deposition shall occur, and to make brief objections to questions. At the conclusion of the witness' testimony, counsel shall have the right to clarify the testimony of the witness by questioning the witness.

"G. At the opening of any deposition a member of the Commission's staff shall read into the record a statement setting forth the nature of the Commission's inquiry and the purpose for which the witness has been asked to testify or produce evidence.

"H. Any witness who refuses to answer a question shall state the grounds for so doing. At the conclusion of any

deposition in which the witness refuses to answer a question the transcript shall be submitted to the General Counsel for review and consideration whether the witness should be called to testify before the Commission.

"II. Sworn Affidavits.

"A. Members of the Commission staff are hereby authorized to obtain sworn affidavits from those witnesses who have been designated in writing by the Commission, a member of the Commission, or the General Counsel of the Commission as witnesses whose testimony will be obtained in this manner.

"B. A copy of the affidavit shall be provided the affiant or his counsel."

Representative Ford. I move the adoption of the resolution.

Mr. McCloy. Second.

The Chairman. All in favor say aye.

(There was a chorus of "ayes".)

The Chairman. Opposed?

(No response.)

The Chairman. The motion is carried unanimously.

(Whereupon, at 5:50 p.m., the Commission adjourned, subject to the call of the Chair.)