



DEPARTMENT OF STATE
WASHINGTON

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DL 89-43

September 10, 1964

Mr. McGAFFEY related that this individual is described as a white male, 200 lbs., 5' 10", 40 years old, dark hair, and of Jewish nationality. He further related that this individual was carrying a rifle with a mounted scope, but explained that he is not familiar with rifles and cannot elaborate further.

Mr. McGAFFEY explained that this unknown individual does not resemble the photograph of CSWALD in any way, but related that this individual resembles the photograph of RUBY to some degree, but felt the individual not to be RUBY.

Dear Mr. Rankin:

As a followup to the investigations related to the lookout card system of the Passport Office conducted by members of the staff of the Commission and officials of the Department, the Department initiated a procedural study of the lookout card system. I am enclosing parts of this study since I believe they may be of interest to you. In accordance with a conversation with Mr. Slavson, those parts of the study concerning the physical security survey of the Clearance Section and concerning information on members of the Department who worked in the Clearance Section have been omitted.

Sincerely yours,

Richard A. Frank
Attorney
Office of the Legal Adviser

Enclosures:

As stated.

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

COMMISSION EXHIBIT No. 3111

COMMISSION EXHIBIT No. 3110—Continued

FORM 02-838 4-24-54				DEPARTMENT OF STATE OFFICE OF SECURITY	
TITLE OSWALD, Lee Harvey			CASE CLASSIFICATION 1A,26,00		
FIELD OFFICE Washington	DATE REPORTED July 27, 1964	DATE INVESTIGATED June 24 to July 23, 1964	REPORTING AGENT Louis C. Kachulis <i>LC</i>		
SYNOPSIS					
<p>A procedural study of the look-out card system of the Passport Office was conducted with specific reference being made to the procedures followed in the Lee Harvey OSWALD case, including a security survey of the Clearance Section. The details are set forth below.</p> <p style="text-align: center;">- CLOSED -</p> <p>REFERENCE: Oral instructions from ST/Headquarters dated June 4, 1964 (Mr. Berry) Memorandum from Mr. G. Marvin Gentile to Mr. Henri G. Grignon dated June 2, 1964 Memorandum from Mr. A. Schwartz to Mr. G. Marvin Gentile dated May 20, 1964</p> <p style="text-align: center;"><u>DETAILS</u></p> <p>Pursuant to the authority in the referenced oral instructions and memoranda, and a conference held on June 23, 1964, attended by Mr. Charles Mace, Mr. Richard Frank, Mrs. Frances Knight, Mr. Edward Hickey, Mr. Robert D. Johnson, Mr. G. Marvin Gentile and the writer, a procedural study of the look-out card system of the Passport Office was conducted.</p>					
APPROVED <i>George R. Smith</i> Special Agent in Charge			DO NOT WRITE IN THIS SPACE		
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REVIEWED BY AGENT SUPERVISOR (Date) _____ (Initials) _____					

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The look-out card process can be divided into two categories, (a) one which can be referred to as the judicial aspect and (b) the ministerial aspect. The first category concerns itself with the basis or criteria used in determining whether or not a card shall be requested. The second category concerns itself with the mechanical steps involved in preparing a look-out card from the time a decision to request a card is made until the filing of the card. Since the purpose of this study is primarily concerned with the procedures in handling the look-out cards, emphasis will be placed on the ministerial aspect of the look-out card process with reference to the judicial aspect primarily for reasons of background. Furthermore, any recommendations at the conclusion of this report, which can be said to fall within the judicial realm of the process, are offered not as criteria for refusing a passport, but only as a means of avoiding the routine issuance of a passport to an individual with a questionable background. Moreover, the study was confined to inquiries to determine how the look-out cards are handled in a typical "OSWALD" case and specifically the procedures followed in the Lee Harvey OSWALD case itself. This study is broken down into the following categories: (1) the general overall procedures, (2) the Lee Harvey OSWALD case, (3) security survey of the Clearance Section, (4) recommendations.

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(1) GENERAL OVERALL PROCEDURES:

A - Generally the request for the preparation of a look-out card comes from the Passport Office's (a) Domestic Operations Division, (b) Foreign Operations Division, (c) Legal Division, and (d) the Department's Office of Finance.

(a) Domestic Operations Division: Basically the Domestic Operations Division (DO) handles all applications for passports within the United States. The application is generally received in a passport agency, where it is reviewed by an adjudicator to determine, among other things, whether or not it has been properly executed, and whether the applicant is seeking to travel in restricted areas. Assuming the application does not indicate restricted travel and that it is properly executed, the applicant's name and date of birth are teletyped to Washington, D. C., where it is checked through the Clearance Section to determine whether or not a look-out card exists. If one does not exist the passport is issued routinely, if a card does exist the issuance of the passport is held in abeyance and the applicant's passport file is reviewed prior to the issuance of the passport. In cases where the application indicates a prior passport has been issued and that it is potentially valid the agency requests the applicant to present it for examination. If the passport has expired the applicant is not requested to present it. When an application indicates a desire to travel in countries for which there are travel restrictions and the applicant persists in his desire, a letter of explanation is requested and is forwarded to the Department together with the application for determination. Further, applications which raise a question of citizenship, loss of citizenship, or a possibility of fraud are forwarded to the Department for decision. When such a question of citizenship arises it is referred to a Senior Adjudicator who makes a determination. If it is decided there is prima facie evidence indicating a lack of citizenship or a loss of citizenship, a look-out card is requested by preparing a refusal sheet. The purpose of the look-out card is primarily to serve as a "flag" or an "alert" to the Passport Office. In the event a passport is subsequently applied for it will not be issued routinely, but a review of the applicant's file by a Senior Adjudicator will then be made to determine whether or not a passport may be duly issued.

THE GENERAL OVERALL PROCEDURES

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(b) Foreign Operations Division: The Foreign Operations Division (FO) receives for action, matters arising overseas relating to passport and nationality matters. However, it should be noted that only "problem" cases are referred to FO for decision (8 FAM 245.6 specifies what cases "must" be referred to the Department "for decision"); approximately 93 to 95% of all cases arising overseas are handled by the overseas post concerned. In cases referred to the Department, if the adjudicator determines that there has been a loss of citizenship or a failure to acquire citizenship a refusal sheet is prepared requesting a look-out card. Also, a card may be requested in any case where the adjudicator desires one to act as an "alert" or "flag". That is, although there is no legal basis under existing regulations and statutes for refusing or limiting a passport, it is felt, nonetheless, in the adjudicator's judgment, that a passport should not be subsequently issued routinely. This "flag" or "alert" insures, at least, a review of the individual's passport file prior to the issuance of a passport. Decisions for an "alert" or "flag" are based on the adjudicator's experience and no definite criteria are established.

(c) Legal Division: The Legal Division of the Passport Office is composed of the Legal Advisory Branch (PT/LAD) and the Security Branch (PT/LS). Generally PT/LAD is concerned with look-out cards in cases which involve passport frauds, imposters, child custody cases and requests from other agencies for look-out cards. PT/LS is primarily concerned with Communist Party members, Communist sympathizers, persons who have violated travel limitations, etc. This Branch receives reports from other agencies, which are disseminated by INR. The majority of the reports come from the FBI with a small portion from the CIA. (INR records indicate that some 350 or more reports are forwarded to the Passport Office each month). PT/LS reviews the reports and if they indicate the individual is a Communist Party member or a member of a Front Organization which implies strongly the individual is a member of the Communist Party, a look-out card is requested through the preparation of a refusal sheet.

(d) Office of Finance: Within the Department the Office of Finance (OF) also requests look-out cards when an individual has been granted a repatriation loan. The procedure requires that when an individual executes an application for a repatriation loan

the request is forwarded to the Special Consular Services (SCS) of the Department for determination. If the loan is approved, SCS so advises the overseas post and the loan is granted. (It is not customary for SCS to advise the Passport Office of their reasons for granting the repatriation loan). When the loan is granted, the Consular Officer forwards a copy of the invoice to OF, on some occasions the invoice would indicate the individual's date and place of birth and name, and on others only the name. These invoices would then be forwarded to the Clearance Section of the Passport Office and acted as a request for a look-out card. However, if the loan did not exceed \$50 and did not contain a date and place of birth a card would not be prepared and it would be returned to OF. As a result, therefore, when an invoice did not indicate a date and place of birth OF discontinued sending them to the Clearance Section. When an invoice did not contain the required information the Clearance Section did prepare a look-out card and insert it into the look-out file.

Under current procedures the loan application is sent with the invoice to OF by the overseas post and the date, place of birth and the amount of the loan are readily available to OF. The Clearance Section maintains the requirement of a date and place of birth in order to insure positive identification when a search is made and avoid possible embarrassment to the Department by erroneous identification. Further, under current procedures OF prepares its own IBM look-out card and forwards it to the Clearance Section for insertion in the look-out file.

B - The Clearance Section of the Passport Office is that area where the look-out file is maintained. When one of the areas under (A) above requests a look-out card through the preparation of a refusal sheet, under current procedures, the following steps are taken:

(a) The Senior Adjudicator or the Adjudicator preparing the refusal sheet signs the sheet authorizing the request;

(b) a clerk within the Adjudicator's area prepares the look-out card in duplicate, signs the refusal sheet and forwards the sheet and the duplicate cards to the Clearance Section;

(c) the clerk within the Clearance Section receiving the file with the refusal sheet and look-out cards performs the following:

- (1) indexes the refusal sheet;
- (2) places one look-out card in the look-out file as a temporary card and the other is stored for future forwarding to prepare an IBM card. (When the IBM card is received it replaces the temporary card and becomes the permanent card).
- (3) When these steps have been performed the individual performing them signs the refusal sheet.
- (4) The passport file is then forwarded to the Passport Office files for storage or to a requesting individual.

The indexing of the refusal sheet consists of the following: The individual's name is typed along the right-hand margin of the refusal sheet by a clerk designated to do so and, under the old system, the name preceded by the number 130. Also, prior to the adoption of the current refusal sheet where the signature of the clerk receiving the file and refusal sheet within the Clearance Section is required, the indexing was the only evidence the refusal sheet was received and a look-out card prepared by the Clearance Section. Moreover, the current refusal sheet was not in effect at the time of the OSWALD look-out cards. The number 130 was used as part of the State Department's filing system. Under that system numbers 130 to 149 were assigned to the Passport files and 130 denoted the files which were filed by an individual's name and not by subject matter; however, approximately two years ago the Department's files were decentralized and the numbers were dropped.

Prior to this current procedure the system generally required the requesting officer to execute a refusal sheet and forward it, with the file, to the Clearance Section where a clerk indexed the refusal sheet and prepared a look-out card. Under both systems if there was no request to return the file to a particular individual it would be forwarded to the Passport files for filing.

Under the present procedures there is a record kept of the names of all the persons taking action on the refusal sheet with regard to the look-out card. Under both systems it is assumed that all proper action will be taken during the ordinary course of business. However, under neither system, present or prior, is there any one particular individual vested with the responsibility of checking to determine that all the ministerial steps required in processing of a look-out card have been complied with.

C - The removal of the look-out cards is requested by those individuals having authority to do so - generally an Adjudicator in PU or a Senior Adjudicator in DC. In cases where a look-out card is requested for loss of citizenship, lack of citizenship, or any case where there is no time limit placed on the look-out card the request is made when evidence is received warranting a reversal of the Adjudicator's prior decision. In such cases the Adjudicator marks the refusal sheet "disregard", indicates the reason for removal, and signs his name. The file and refusal sheet are forwarded to the Clearance Section where the card is removed by the Chief of the Clearance Section or someone designated by him. Prior to the adoption of this procedure there was no formal record kept of the reason for removal of the look-out card on the refusal sheet and the requesting officer did not sign his name on the sheet. The refusal sheet was merely marked "disregard" and forwarded to the Clearance Section for removal of the look-out card.

With regard to the removal of look-out cards requested by outside agencies this is accomplished when the requesting agency asks that it be removed. In cases where the card has a set expiration date the Clearance Section removes it automatically at the end of the period or shortly thereafter.

Look-out cards requested by OF are removed by the Clearance Section when it is notified that the loan has been paid in full. OF sends a monthly list of persons who have paid in full to the Clearance Section for removal of the look-out cards.

Procedures in the Clearance Section dictate that the actual removal of the card shall be accomplished by the Chief of the Section himself or his designee.

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(2) LEE HARVEY OSWALD CASE:

The OSWALD passport file was reviewed by the writer and it is noted that the case was handled by the Foreign Operations Division. Also, that a refusal sheet was prepared; was apparently indexed, although not according to standard procedures for indexing; and the refusal sheet was not marked "disregard" - authority to remove the look-out card. OSWALD applied for and received a passport on or about June 25, 1963 at the Passport Agency in New Orleans. The New Orleans Passport Agency sent a TWX to Washington which, among other names, listed OSWALD's name, but no information indicating a prior passport was issued to him. OSWALD's 1963 application indicated desired travel to Russia and Cuba.

Mr. Henry KUPIEK, Chief, PT/FEA, was interviewed and advised that cases assigned to his Branch first came to his desk, as Chief of the Branch, and he assigned them to the Adjudicators according to their experience and ability. KUPIEK related he assigned the OSWALD case to Bernice WATERMAN (since retired) who was at the time his Assistant and a most experienced Adjudicator.

Mrs. WATERMAN was interviewed and advised that she prepared a refusal sheet requesting a look-out card for OSWALD in March of 1960. She continued, saying that the purpose of a look-out card in the OSWALD case was not to refuse him a passport in the future since he had not expatriated himself, but was intended only as an "alert" or a "flag". Mrs. WATERMAN further stated that she was only attempting to avoid the issuance of a passport routinely in the event OSWALD should apply in the future. She added that she did not mark the refusal sheet "disregard" when it was decided OSWALD had not in fact expatriated himself because, as already indicated, she considered the card a "flag". She stated it was her intention to leave the card in the file indefinitely so that OSWALD's file would be reviewed by an Adjudicator prior to the issuance of a passport to him in the future. She related that once she had executed a refusal sheet it would be forwarded to the Clearance Section where a look-out card would be prepared and filed. She added, she did not, nor was there any prescribed procedure, follow up her request in any way to insure the card was prepared and filed, but assumed that all persons concerned would perform their respective duties properly and a card prepared and filed in the due course of business.

As indicated above, it appears from a review of the OSWALD refusal sheet that at least an attempt was made to index the sheet which, if it had been done, would have been followed by the preparation and filing of a look-out

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THE LEE HARVEY OSWALD CASE

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card. It has been previously indicated that the usual procedure for indexing is one where the individual's name is typed along the right-hand margin of the sheet preceded by the number 130. In the case of OSWALD, his name, rather than typed, had been clearly printed by hand along the right-hand margin and was not preceded by the number 130. Arthur M. COSTLEY, Evelyn V. HALL, Alexander W. MAXWELL, Nanne BERREY, Dorothy CARTER, and Mary RICHARDS (who is no longer with the Department) all of whom, at one time or another about March 1960 prepared look-out cards, were interviewed and shown a copy of the OSWALD look-out sheet. All readily denied it was their hand printing except Dorothy CARTER. When shown the sheet CARTER immediately stated that the printing was hers, and when asked if she were positive, she stated only that it looked very much like her hand printing. (CARTER's statements were made in the presence of Henry KUPIEK). CARTER continued saying that assuming the handwriting was hers it could safely be concluded a look-out card was prepared and filed. However, CARTER had no personal recollection of preparing or filing a look-out card in the OSWALD case nor had she any recollection of removing the OSWALD card from the file. With regard to the fact that the number 130 did not precede OSWALD's name CARTER could offer no explanation other than the possibility the refusal sheet may have been indexed when the number 130 was dropped by the Passport Office.

In interviewing the various Passport Office personnel none could offer any explanation as to what may have happened to the look-out card had one been prepared. The majority of the persons interviewed were of the opinion that a card was never prepared because, among other reasons, the refusal sheet was not indexed. Mrs. WATERMAN, among others, offered the possible explanation that the refusal sheet was buried under subsequent correspondence and, as a result, missed when the file reached the Passport files.

The general accepted procedure for removing a look-out card was described as one where the Adjudicator marks the refusal sheet "disregard" and forwards it to the Clearance Section for action. However, in interviewing Alexander W. MAXWELL, Chief, Clearance Section, and Evelyn V. HALL, now with RAF, it was determined that in many cases the Adjudicator only sent a "back slip" to the Clearance Section requesting the removal of the card and the refusal sheet in those cases apparently was not marked "disregard". It appears from talking to MAXWELL and HALL that this was done more often than not.

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OSWALD was granted a repatriation loan on June 1, 1962. The repatriation loan authorized by Special Consular Services (SCS) was granted on the authority of 7 FAM 423.1-2 which states "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." There does not appear to be anything in OSWALD's passport file to indicate that the Passport Office was notified of SCS's reasons for its decision that OSWALD came within the cited regulation. Since the loan was granted on June 1, 1962, a look-out card should have been prepared in June of 1962.

Leola B. BURKHEAD, ACD/RR was interviewed and advised that at the time of the OSWALD loan the procedure was to forward a copy of the loan invoice to the Clearance Section where a look-out card was prepared. She advised that since Passport would not prepare a card unless the name was accompanied by a date and place of birth her office discontinued sending the invoices to Passport. BURKHEAD stated she definitely recalled forwarding the OSWALD invoice to the Passport Office; that it was returned because it lacked a date and place of birth; and that she as a result, threw it away. BURKHEAD stated that she did not attempt to obtain OSWALD's date and place of birth and according to MAXWELL of the Clearance Section, it was not the procedure for the Clearance Section to attempt to obtain the information. With regard to BURKHEAD's certainty that she did in fact forward the OSWALD invoice to Passport it should be noted that she was equally certain of the manner in which OSWALD repaid his loan. She related that OSWALD made one payment of \$100 and paid the balance in person at the Department. The record clearly shows OSWALD repaid his loan in seven installments by mail.

In interviewing various persons in the Domestic Operations Division, including Virginia D. CARROLL, Vivian A. FERRIN, Margaret L. TATUM, and Zella M. BRAZEL, it appears that when an application for passport contains something unusual it is referred to the Department by the Passport Agency so that a prior file, if one exists, may be reviewed and a decision rendered. All the individuals named above indicated that a potentially valid passport (such as OSWALD's) which had been stamped for limited travel is the type of case where the prior passport file would have been requested.

On June 25, 1963, or thereabouts, OSWALD applied at the New Orleans Passport Agency for a passport and indicated Russia and Cuba, among other places,

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as countries he wished to visit. The application also indicated that he had a prior passport (#1733242) and the application was marked "C & R" (cancelled and returned). The "C & R" indicates that the Agency saw the passport, cancelled it and returned it to OSWALD. However, the TWX sent to the Department does not indicate the passport was stamped for limited travel nor was any request made for the passport file. (Correspondence in the passport file of Lee Harvey OSWALD indicates Embassy Moscow was instructed by the Department to restrict OSWALD's passport to use for direct return to the United States.)

SECURITY SURVEY OF THE CLEARANCE SECTION

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COMMISSION EXHIBIT No. 3111—Continued

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(4) RECOMMENDATIONS:

A - It has been noted during this survey that no one particular individual is vested with the responsibility of checking to see that all steps necessary in the request, preparation, and insertion in the file of look-out cards have been complied with prior to placing the case file in the files for storage. In this regard the following are recommended:

(a) that the refusal sheet be placed on the inside left cover of the file where one exists, and in all other cases at the top of all the correspondence both prior and subsequent;

(b) that the outside cover of the file be marked in such a manner as to alert the file room personnel and all others coming in contact with it, that the file contains a refusal sheet;

(c) that responsible clerks be assigned to handle the filing of these files, and they should be vested with the responsibility of checking to see that all the signatures required by the refusal sheet have been entered on it;

(d) if a refusal sheet does not bear all the necessary signatures and notations the file should be returned to the person or area requesting the look-out card and it should then be their responsibility to insure the necessary signatures and notations are entered on the refusal sheet.

B - It is recommended that the refusal sheet be amended to include the name of the person who physically removes the look-out card from the look-out file, and the date of such removal.

C - In making the recommendations immediately following it is realized that a passport cannot be refused an individual for the sole reason that he falls within one of the categories outlined. However, they are offered, as indicated earlier in this report, with the intent of avoiding in the future the routine issuance of a passport to a person coming within one of the specified categories without at least a review of the person's passport file, and in some cases a check of the Office of Security indices. In short, they are suggested with the aim of preventing the routine issuance of passport to a person with an "OSWALD" background.

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(a) It is recommended that in all cases where the person seeking a passport indicates a desire to travel behind the Iron Curtain and evidence of a prior passport exists, the individual's passport file be reviewed and his name checked through indices of the Office of Security for possible CIA or FBI information prior to the issuance of a passport.

(b) It is recommended that in all cases where a passport stamped for limited travel is presented, the passport file should be requested and reviewed prior to the issuance of a passport.

(c) It is recommended that in all cases where an individual has attempted to expatriate himself a look-out card should be requested, prepared and filed. Also, if the individual should apply in the future for a passport the passport file should be reviewed and his name checked through the indices of the Office of Security for the reason as indicated under (a) above.

(d) It is recommended that in all cases where a repatriation loan is granted because the applicant for the loan comes within the purview of 7 FAM 423.1-2 (the person is involved in a situation damaging to U. S. prestige), the Passport Office be advised of the facts surrounding SCG's decision.

(e) It is recommended that in all cases where the Passport Office is apprised as recommended in the preceding paragraph (d) a look-out card be requested, prepared and filed in the name of the individual.

(f) If the pertinent regulations do not already so state, it is recommended they be amended making it mandatory for the overseas post granting the loan to forward a copy of the loan application together with the invoice to the Office of Finance.

COMMISSION EXHIBIT No. 3111-Continued