

MEMORANDUM

August 7, 1996

To: Tim Wray, Jeremy Gunn

cc: David Marwell, Christopher Barger, Brian Rosen, Joan Zimmerman, Joe Freeman

From: Doug Horne

Subject: Oswald's DD 1173 I.D. Card

In August, 1995 the author was asked to study the article in the 11/22/92 *Houston Post* by Ray and Mary La Fontaine entitled: "Oswald I.D. Card May Be Missing Link." This article, centered around the issuance to Oswald of a "Uniformed Services Identification and Privilege Card" (DD Form 1173) upon his discharge from the Marine Corps, was to be treated as a lead in the search for possible assassination-related documents, or for documents which would enhance the historical understanding of the assassination. Another goal was to clarify, to the extent possible, all circumstances surrounding the issuance of that I.D. card to Oswald through study of government documents.

The purpose of this memorandum is twofold: first, to summarize the efforts undertaken by the author on this project in August and September, 1995; and second, to recommend further action in this area for your joint consideration.

The La Fontaine article on the DD Form 1173 identification card (hereafter referred to as the DD 1173) and a Paul Hoch 3/8/93 "Echoes of Conspiracy" newsletter (pages 5-7) were the starting points for the author's research in August-September 1995. Subsequent to initial ARRB study of this issue in 1995, in 1996 the La Fontaines published their book *Oswald Talked: The New Evidence in the JFK Assassination (Pelican)*; the DD 1173 issue is dealt with at length on pages 65-90, and on pages 390-391. Although the La Fontaine's book (with expanded treatment of this subject far beyond their 1992 newspaper article) had not been published when the author conducted his initial research, this memo will nevertheless provide tentative findings regarding some of the La Fontaine's conclusions about the circumstances under which the card was issued by comparing the author's August-September 1995 research results with leads provided in the La Fontaine's 11/22/92 *Houston*

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Post article, and their 1996 book.

Summary of La Fontaine allegations: The La Fontaine's initial research led them to believe that the DD 1173 I.D. card was issued either to military dependents, persons with a medical disability who were leaving active duty, or federal civil servants who would need access to military bases overseas. Subsequently, they determined that reservists were also authorized to receive the DD 1173 from July 16, 1957 through July 1959, when its issuance to reservists was discontinued by a change in regulations. They contend that at the time of his discharge from the Marine Corps on September 11, 1959, Oswald, who had a Marine Corps Reserve obligation, was authorized by regulation to receive only the pink-colored, or "red" reserve I. D. card designated the DD Form 2MC (RES). After citing in their book the names of two members of Oswald's El Toro unit (MACS-9) who received the officially authorized pink reserve I. D. card, the La Fontaines conclude with some certitude that Oswald was the only member of his unit who received the beige, or buff-colored DD 1173; they then marry this conclusion with the fact that U-2 pilot Francis Gary Powers had a DD 1173 in his possession while he was a contract employee of the CIA, to state their case that Oswald's possession of this I. D. Card was *de facto* proof that he became a civilian employee of the CIA or some other federal intelligence agency following discharge, and that it may have been used to get him a "military hop" from London to Helsinki, Finland when he defected. Further, they pick up on Paul Hoch's observation that the unique serial number on Oswald's DD 1173 is found on his passport application dated September 4, 1959, and find this quite odd since its official date of issue was September 11, 1959, one week following the date on the passport application. The appearance of Oswald's I. D. card serial number on his passport application was the "clincher" as far as the La Fontaines were concerned---proof to both Paul Hoch and to them that Oswald's I. D. Card was in his possession one week earlier than its issue date---a very unusual circumstance indeed, if true.

Summary of Leads Pursued, Findings and Recommendations:

Lead # 1/Allegation: That Oswald was issued a DD 1173 upon discharge from the Marine Corps.

Findings: Correct. The "administrative remarks" page in Oswald's USMC enlisted personnel file contains an entry for 11 SEP 59 (see attachment 1) which reads: "ID CARD FORM #N 4, 271, 617 issued this date expiration 8 Dec 62 in accrd/w para 3014.5 PRAM. (Signed by) A. G. Ayers, 1ST

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LT USMCR." This unique number matches precisely the serial number on the DD 1173 I. D. card issued him which is dated 11 Sep 59 (see attachment 2).

Lead # 2/Allegation: That the images on the original card were nearly obliterated by FBI chemical testing.

Findings: Essentially correct, although the author would recharacterize this description by saying that approximately 50 per cent of the card's surface area was obliterated by FBI chemical testing, not the entire card (see attachment 3). Archivist Steve Tilley, curator of the JFK Collection at NARA, told the author that the dark brown stains on the I. D. card were consistent with the stains left by fingerprint testing chemicals, and that he has seen similar stains on many other Oswald documents which were in the possession of the FBI. Incidentally, the original I. D. Card is stored in an archival box labeled "RG 272" which contains numerous FBI exhibits labeled exhibits B1 to B20; the original (stained) card itself is identified as exhibit "B1" and is protected by a stiff, sealed clear plastic sleeve which protects the card from further damage. The DD 1173 I. D. card inside the sleeve is not laminated--hence, the fingerprint testing.

Lead # 3/Allegation: That there are no pictures of the card in its pristine state in the National Archives.

Findings: Incorrect; attachment 2 to this memo is a photocopy of a facsimile which can be found (along with the discolored original I. D. card) in the single archives box labeled "RG 272," which is now part of the JFK collection. The photocopy of the I. D. card in its pristine state was apparently made by the FBI prior to applying fingerprint powder to the original card.

Lead # 4/Allegation: That the photograph on the DD 1173 I. D. card (and on Oswald's modified [forged] Selective Service I. D. card) is identical to the photograph labeled by the Warren Commission as CE 2892, "Photo Taken in Minsk."

Findings: Correct; even a brief examination by a layperson reveals that CE 2892 (attachment 4) is identical to the two photographs on Oswald's DD 1173 I. D. card and his Selective Service I. D. card (attachment 5). The version of this photograph which appears on the DD 1173 card even exhibits the same opaque, rounded white "mask" in the lower right corner of the photograph which appears in CE 2892. (As an aside, proof that Oswald's Selective Service I. D. card was forged is provided by comparing the clearly fraudulent version found in his wallet [for "Alek James Hidell," with Minsk photo affixed] with the unaltered format of his Selective Service card, to which no photograph is affixed, provided here as attachment 6.)

Speculation: It is reasonable to assume that Oswald altered both the DD 1173 and Selective Service cards (by affixing the Minsk photograph) himself, and that they were probably altered by him while he was employed at the photographic firm of Jaggars-Chiles-Stovall in Dallas, Texas from autumn 1962 through spring 1963.

Lead # 5/Allegation: That issuance of the DD 1173 I. D. card was not specifically authorized by the PRAM, the U. S. Marine Corps' Personnel Records and Accounting Manual.

Findings: Correct; on the administrative remarks page from Oswald's USMC enlisted personnel file, an entry dated 11 SEP 59 states that I. D. Card # N 4, 271, 617 was issued in accordance with paragraph 3014.5 of the PRAM (see attachment 7). A review and analysis of attachment 7 (section 3014, "Identification Cards") reveals on page 3-13, in paragraph 6 c. (2), that DD Form 2MC (RES) should have been issued to Oswald in September 1959 when he was discharged, since he had a Marine Corps Reserve obligation when he was released from active duty. The DD Form 2MC (RES) is the Marine Corps designation for the so-called "pink" or "red" reserve I. D. card, which is still the standard format issued today for reserve members of the armed forces. The entry in Oswald's enlisted personnel file citing the PRAM as authority to issue the DD 1173 card is an incorrect cite; the PRAM clearly states that service members in the Marine Corps may legally possess only one I. D. card, and that it must be either a "green" DD Form 2MC (for active duty personnel), a "gray" DD Form 2MC (RET) (for retired personnel), or a "red" DD Form 2MC (RES) (for members of the Marine Corps Reserve). The DD 1173 is not listed as one of the 3 authorized choices in the PRAM; in fact, it is mentioned nowhere in the applicable excerpt from the PRAM obtained by the ARRB.

Lead # 6/Allegation: In *Oswald Talked*, the La Fontaines expand considerably upon their November 1992 *Houston Post* article in regard to whether or not there existed other administrative guidance, separate from the PRAM, which authorized issuance of the DD 1173 I. D. card. They located a U. S. Army Military History Institute historian named Dennis Vetock at the Army War College in Carlisle, Pennsylvania who performed research for them in this area; his findings (as reported on pages 74-76 of their book), based upon study of contemporaneous administrative directives, were that use of the DD 1173 I. D. card commenced in 1957, and that initially its issuance was authorized to: military dependents (the primary recipients), disabled veterans, reservists, foreign military personnel and their families, and overseas federal civilian employees in need of an I. D. Card which would grant base access. Vetok quoted the directive he located, dated July 16, 1957, as saying that all active duty Marines should have received the DD Form 2MC ("green" card), and that *all other personnel*, including reservists, should have been recipients of the DD Form 1173, the Uniformed Services

Identification and Privilege Card. Vetok clarified for the La Fontaines, however, that the guidance authorizing issuance of the DD 1173 to all personnel not on active duty (including reservists) was terminated in July, 1959 when the 3-card system (the “green,” “gray,” or “red” cards described by the PRAM, in attachment 7) was instituted. Thereafter, issuance of the DD 1173 continued to be authorized for military dependents and various civil service personnel requiring base access overseas (as the author can confirm through personal experience is still the practice today), but not to reservists.

Findings: This explanation makes sense to the author and is verified by actual practice today, which remains consistent with the change implemented in July 1959. In 1995 ARRB attempted, without success, to obtain contemporaneous administrative guidance (circa September 1959) on issuance of the DD 1173 from both the Marine Corps and DOD; the publication, therefore, in 1996 of the substance of the information obtained from Army historian Dennis Vetock by the La Fontaines provides a valuable lead that ARRB can follow-up on in its search for records pertaining to Lee Harvey Oswald.

Recommendation: ARRB should contact historian Dennis Vetock at the Army War College at Carlisle, Pennsylvania and obtain both the July 16, 1957 initial administrative guidance pertaining to issuance of the DD 1173, as well as the modifying guidance cited by the La Fontaines which prohibited its issuance to reservists commencing in July, 1959. The author will pursue this lead.

Lead # 7/Allegation: That Oswald was the only Marine in his unit to receive the DD 1173 I. D. card.

Findings: Incorrect. At the direction of ARRB Executive Director David Marwell, the author sampled the military enlisted personnel files of 11 additional Marine personnel (in addition to Lee Harvey Oswald) in order to determine whether other Marines inside or outside of Oswald’s unit also received the DD 1173 I. D. card upon discharge from active duty. Of the twelve total names sampled, seven (7) of the individuals contained entries in their Marine personnel files which indicated that they received the DD 1173

I. D. card; two (2) contained entries in their records indicating that they received the DD Form 2MC (RES), or “red” I. D. card; and three (3) of the records sampled contained

entries in the “administrative remarks” section which were not specific enough to clearly determine what kind of I. D. Card was issued upon discharge of the service member. Of the seven total personnel who received the DD 1173, five of them had served in the same unit as Lee Harvey Oswald, MACS-9, at MCAS El Toro, California. A summary is provided below showing the

names sampled, type (and date) of I. D. card received, and unit in which the member served (i.e., last PCS assignment) immediately prior to being processed for discharge:

| <u>Name</u> | <u>I. D. Card / Date Rcvd</u> | <u>Last PCS Duty Station</u> |
|-------------------------|---|--|
| Lee Harvey Oswald | DD 1173 (11 Sep 1959) | MACS-9 (MCAS El Toro) |
| Alexander G. Ayers, Jr. | DD 1173 (21 Nov 1959) | H & HS (MCAS El Toro) |
| Gerald P. Hemming, Jr. | DD 1173 (17 Oct 1958) | U. S. Naval Academy Prep School (Annapolis, Maryland) |
| Nelson Delgado | DD 1173 (25 Nov 1959) | MACS-9 (MCAS El Toro) |
| Richard D. Call | DD 1173 (11 Dec 1959) | MACS-9 (MCAS El Toro) |
| Paul E. Murphy | DD 1173 (27 Aug 1959) | MACS-9 (MCAS El Toro) |
| William K. Trail | DD 1173 (23 Nov 1959) | MACS-9 (MCAS El Toro) |
| Zack Stout | DD Form 2MCR | H & HS, 3rd MAW (MCAS El (30 May 1960) Toro) |
| John R. Heindel | DD Form 2MCR (14 July 1961) | AIRFMFPAC (Yuma, Arizona) |
| Owen Dejanovich | Not Specified (serial # of card suggests DD 1173, but type of card not specified); (04 Sep 1959) | MACS-9 (MCAS El Toro) |
| Robert R. Augg | Not Specified (serial # of card suggests DD 1173, but type of card not specified); (08 Apr 1959) | MWHG, 2nd MAW (MCAS CPNC) |
| Kerry W. Thornley | Not Indicated (no entry re: whether any I. D. card issued or not in personnel file) | MABS-11, MAG-11, 1st MAW |

Pertinent pages from the records of the personnel listed above are provided as attachment 8 to this memo (except for LHO, whose I. D. card data is provided in attachment 1).

Lead # 8/Allegation: That since no one else in Oswald's unit was given a DD 1173 I. D. card, and because CIA civilian U-2 pilot Francis Gary Powers also had a

DD 1173 I. D. card, Lee Harvey Oswald was therefore an agent of the CIA or some other intelligence agency who required access to overseas bases: hence, his possession of the DD 1173 I. D. Card.

Findings: Conclusion unsupported by evidence presented. Whether Lee Harvey Oswald was, or was not, on a mission for the U. S. Government when he defected to the USSR in 1959, possession of the DD 1173 card is not sufficient to prove (or disprove) that speculation, particularly since 5 other members of his unit at El Toro were also issued this same card upon discharge from active duty. Furthermore, even though the La Fontaines are correct that some civilians within DOD (and apparently CIA) are authorized issue of the DD 1173 in order to gain routine access to overseas bases, it is specious reasoning to suggest, as they do on pages 86-90, that because one person who was a CIA employee (CIA U-2 pilot Francis Gary Powers) was issued a DD 1173, that Oswald (who also had the card) must likewise have been an intelligence agent. They have not presented evidence that all intelligence agents were issued the card; and in opposition, they *have* presented evidence that numerous persons not involved in intelligence work were authorized to receive the DD 1173: military dependents, disabled veterans, foreign military personnel and their families, and, up until July 1959, reservists in the armed forces. The key issue to the La Fontaines in chapter 3 of their book is timing: that the card was issued to Oswald when such issuance was no longer formally authorized. [Since the DD 1173 was no longer authorized for issue to reservists when Oswald was discharged in September, 1959, then his receipt of one is, to them, highly significant--virtual proof to the La Fontaines that he must have been issued the card under the aegis of an intelligence agency, as was Francis Gary Powers.] To this author, bureaucratic inertia (and possible ineptitude) are more likely the true explanations for why Oswald received a DD 1173 two months after its authorization for reservists was apparently revoked. In support of the author's viewpoint, the La Fontaines, as a result of their interview of former USMC 1st Lieutenant A. G. Ayers, whose typed name and signature appears on Oswald's DD 1173 as issuing officer (see attachment 2), write that although Ayers had no recollection of issuing the DD 1173, "The processing of such paperwork, including the decisions on which I. D.s to give out, he explained, was done by administrative assistants under the supervision of the senior noncommissioned officer. When the papers were ready, they were brought en masse to Lieutenant Ayers for his signature--in essence, an anonymous process by anonymous personnel."¹ The author's 20 years of previous experience in Government prior to working for the ARRB (10 years on active duty in the Navy, and 10 years as a federal civil service employee for the Department of the Navy) reinforce his strong impression that this methodology (attributed to Ayers by the La Fontaines) for out-processing of personnel from active duty to civilian status is not only an accurate description for

¹*Oswald Talked (Pelican, 1996):* pages 81-82.

how such processing is managed, but was the perfect environment for a “that’s the way we’ve always done it” bureaucratic “snafu” to arise and to perpetuate itself. The fact that the change to the issuing regulations for the DD 1173 was reportedly issued in July 1959 (only 2 months prior to Oswald’s discharge) makes it even more likely that a routine administrative procedure such as how-to-prepare-a-set-of-discharge-papers may not yet have reflected formal changes in issuing regulations. (Changing the rules for a routine administrative procedure does not necessarily equate with proper dissemination of that information, nor with implementation of changes in behavior by the clerks who perform the routine procedure.) In support of the “snafu” hypothesis, a review of attachment 8 reveals that four people in Oswald’s own unit were issued the same apparently improper DD 1173 I. D. card *subsequent* to him, in November and December 1959. My conclusion is that these occurrences are administrative errors resulting from bureaucratic inertia, not evidence that Alexander Ayers, Nelson Delgado, Richard Call, and William Trail were intelligence operatives.

Lead # 9/Allegation: That Oswald was issued his DD 1173 I. D. card 7 days early, since its unique serial number appears on his passport application dated September 4, 1959,² one week prior to 11 September, 1959, the date of his discharge.

Findings: Not necessarily the case. The La Fontaines are correct that the unique serial number on Oswald’s DD 1173 appears on his passport application (attachment 9), but may have incorrectly interpreted when and why it was placed there. They also mention an accompanying memo addressed “To Whom It May Concern,” dated 4 Sept 1959 (attachment 10), which they assume was turned in concurrently with Oswald’s passport application, and go on to suggest that since 1st LT A. G. Ayers’ typed name appears on the memo below the signature of a 1st Sergeant Stout (a person whom he has no recollection of whatsoever), that the signed name of 1st Sergeant Stout may represent a fictional identity. (This Stout allegation is patently untrue; Zack Stout was stationed at both MACS-1 in Atsugi, Japan and at 3rd MAW at MCAS El Toro with Lee Harvey Oswald.) Oswald’s DD 1173 I. D. card, his passport application, and the memo dated 4 September are likely related, but not in the way the La Fontaines imagine. Author’s hypothesis follows:

Document

Remarks/Discussion

Oswald’s Passport Application Submitted September 4, 1959 (see attachment 9, page 2).

² *Ibid.*, page 84.

“To Whom It May Concern” Typed on September 4, 1959, but not submitted to the passport office until September 9, 1959 (see attachment 10). Even though the date typed on this memo is “4 Sept 1959,” there is evidence on the document that September 4 is not the date it was submitted. A date/time stamp has been imprinted on the document by machine and reads: “RECEIVED DEPARTMENT OF STATE 1959 SEP 9 AM 9 54 PASSPORT OFFICE LOS ANGELES.” It seems clear that the purpose of this memorandum was to convince the passport office that Oswald, who applied for a passport on September 4, 1959, was going to be leaving active duty and resuming life as a civilian again; the implication of this apparent need to satisfy the passport office is that DOS probably did not process passport applications for active duty personnel unless they could prove they were leaving (or had left) active duty. Although Oswald obviously was stimulated to draft this memo on September 4, 1959 (the day he submitted his passport application), it was not turned into the passport office until September 9, 1959. The reason for the delay may have revolved around obtaining a signature on the memo. Although the name of USMC 1st LT A. G. Ayers, the Assistant OIC of the El Toro Separation Section, is typed on the memo, the memo is instead signed by 1st Sergeant Zack Stout, a friend of Oswald’s³ who served with him at both MACS-1 in Atsugi, Japan and at MCAS El Toro. Stout may have been enlisted by Oswald to sign the memo if Ayers refused, or if for some reason Oswald did not want Ayers to know he was applying for a passport. (The latter seems likely, since a Marine enlisted man getting a hardship discharge because of his mother’s penury would most likely not have wanted the officer responsible for his separation paperwork to know that he was applying for a passport and

³*The Assassination Chronicles(Legend)*, by Edward J. Epstein: pages 357-365 provide details of Oswald’s friendship with Zack Stout from their MACS-1 association.

intending to travel to Europe to attend colleges in two countries, and to visit numerous other nations as a tourist.) In fact, it seems highly unlikely that Ayers knew anything about the memo, since it is not typed on USMC letterhead stationery, and because he reportedly told the La Fontaines that he had no recollection of it whatsoever.⁴ One can safely presume, following this line of reasoning, that although turned in 5 days after it was dated, the “To Whom It May Concern” memo was submitted because the passport office implicitly had refused to process Oswald’s passport application until or unless he provided evidence that he was being released from active duty.

Oswald’s Passport

Printed (“issued”) on September 10, 1959 (see attachment 11), but probably not picked up by Oswald until September 11, 1959. A review of Oswald’s passport reveals that it was issued (manufactured) on September 10, 1959, one day after the “To Whom It May Concern” memo was received at the passport office; this 24-hour delay from the time the memo was received on September 9 was the normal passport processing time in that era (namely, one day), corroborating the above argument that the memo assuring DOS that he was leaving active duty was essential to the processing of his application. But the date the passport was issued is not necessarily the date it was picked up, since the I. D. card used by Oswald to verify his identity and *status* when he picked up the card was apparently not issued until September 11, 1959 (see below). The earliest date Oswald could have picked up his passport was September 10, 1959, the day it was issued by the passport office; this would have required Oswald to be in receipt of his DD 1173 I. D. card one day early--although this is conceivable (and much more likely than having it one week early per the speculations of Paul Hoch and the La Fontaines), there is no documentary evidence for this that the author is

⁴*Oswald Talked (Pelican)*: pages 84-85.

aware of.

Oswald's DD 1173

September 11, 1959 (the date typed on the card) is almost certainly the real issue date of this card, vice the September 4, 1959 date presumed by Paul Hoch and the La Fontaines (which they have incorrectly assumed simply because the card's serial number was typed onto Oswald's September 4, 1959 passport application). Author's interpretation follows: Oswald's passport was created by DOS on September 10, 1959, and the unique serial number on Oswald's DD 1173 was indeed typed onto Oswald's handwritten passport application--but to the author this almost certainly means an office worker at the passport office probably rolled Oswald's passport application into a typewriter the day his passport was picked up (September 10 or 11, 1959) and typed the number of his new I. D. Card onto the application as proof that he was "inactive," i.e., no longer on active duty. If just "any" I. D. card would have sufficed for issue of a passport, then Oswald's "green" active duty card could have been used as proof of identity the day he applied for his passport on September 4, but instead we have a typewritten (vice handwritten) notation (which implies a passport office official verifying identity) which specifies that Oswald has an "inactive" status; i.e., verification that he has actually achieved the inactive status promised in the memo delivered to the passport office on September 9. The point here is that the memo delivered September 9, 1959 promises that he will leave active duty and acquire an inactive status on September 11, 1959, and the passport issued by the passport office on September 10, 1959 is almost certainly picked up one day later (the day Oswald was discharged), for this date, 11 September, 1959, is the date of issue typed on his DD 1173--which certified (on its front side) his "MCR/INACT" status.

At this juncture it is timely to point out a finding made independently by the author while reviewing the officer service record of former 1st LT Alexander G. Ayers, the Marine officer responsible for the

processing of Oswald's discharge paperwork. [First, in the way of background, it should be explained that Oswald and Ayers, under normal circumstances, would not have had any contact at MCAS El Toro up until the week prior to Oswald's transfer. As evidence of this, Oswald's Record of Service pages from his USMC enlisted personnel file are provided as attachment 12; Oswald is shown therein to have transferred out of his MACS-9 unit on September 3, 1959, and into H & HS (Headquarters and Headquarters Squadron), the "admin section" for the base which, among other duties, prepared the paperwork necessary to discharge Marines from active duty, on September 4, 1959. 1st LT Ayers, as shown by his chronological record of duty assignments (attachment 13), was Assistant OIC of the Separation Section for H & HS when Oswald's discharge was processed.] *Author's finding follows:*

As highlighted in 1st LT Ayers' "Administrative Remarks" page from his service record (attachment 14), Alexander G. Ayers was granted a Secret security clearance on September 11, 1959, the same day that Lee Harvey Oswald was discharged from the United States Marine Corps.

This is a potentially significant finding, particularly when one reviews the direction in which 1st LT Ayers career was heading at the time his clearance was granted. A review of attachment 13 reveals that Ayers, who had once been OIC of the Separation Section (serving as OIC from March 2, 1959 through April 9, 1959), was again assigned Separation Section duties commencing July 1, 1959, but this time in the reduced (and less responsible) capacity as Assistant OIC (instead of OIC), serving in that reduced role until November 21, 1959, the date he was discharged from active duty and became a Marine Corps Reservist. Neither the nature of his duties as Assistant OIC of the Separation Section, nor his other duties as Administrative Officer (preparation of routine paperwork and correspondence) or Casualty Assistance Officer (death notifications) appear to explain the need for a Secret clearance as late in his tour of duty as September 11, 1959; furthermore, if this were the case, one would think that he would have been granted the Secret clearance on April 10, 1959, the same day he became Administrative Officer, or on July 1, 1959, the same date he became Casualty Assistance Officer and Assistant OIC of the Separation Section. In fact, Ayers' receipt of a Secret clearance on September 11, 1959, the same day of Oswald's discharge, looks quite peculiar in light of its incongruity with his various duty assignments, and its proximity with his own impending discharge (i.e., November 21, 1959), and begs explanation. It must be remembered that Oswald, a Marine receiving a hardship discharge, had applied for a passport on September 4, 1959 with the expressed intent (see attachment 9) of attending two universities and travelling as a tourist in Europe. A person planning to defect to the USSR would have obtained someone *other than* the officer in charge of the Separation Section (i.e., a good friend such as Zack Stout who could cover for him if the passport office demanded

verification by telephone) to sign his "To Whom It May Concern" memo with good reason, since his impending international travel stood out in sharp contrast with the overt reason for his discharge--the financial hardship of his mother. If Oswald had presented his "To Whom It May Concern" memo to 1st LT Ayers to sign, it probably would have resulted in questions about what it was for, and would likely have resulted in an admission by Oswald that he was trying to obtain a passport, which could have endangered his hardship discharge; thus, it was surely for this reason that Oswald used the stratagem of having a buddy of his sign "for" the El Toro H & HS Separation Section Assistant OIC. Nevertheless, one cannot help but wonder whether 1st LT Ayers may have found out about Oswald's passport application, or about the specifics of his travel plans, and possibly raised questions with his superiors as a result. One possible explanation for Ayers' receipt of a Secret clearance on the day Oswald was discharged, if this scenario is true, would be that Oswald may have been fulfilling some intelligence assignment by his early departure from the Marine Corps and his planned travel in Europe (and Russia). Under this scenario, any unwanted questions raised by an uninformed party like 1st LT Ayers (either because of his own suspicions, or because of suspicions others may have reported to him) could conceivably have required that Ayers receive the minimum necessary briefing regarding the "classified nature" of the problematic Oswald discharge: hence, a possible explanation arises for the previously inexplicable coincidence of the Secret clearance he was issued on September 11, 1959.

[The purpose of this speculation is not to conclusively persuade that this scenario did in fact occur, but to emphasize the importance of ensuring that ARRB interview Alexander Ayers, since the timing of, and reasons for, his receipt of a Secret clearance on the same day Lee Harvey Oswald received his hardship discharge remains unexplained, and appears provocative in the absence of clarification.]

Recommendations:

- (1) ARRB should interview Alexander Ayers (who presently resides in Portland, Oregon) about all circumstances surrounding the processing of Oswald's discharge and the issuance of Oswald's DD 1173 I. D. card, and about the circumstances surrounding his receipt of a Secret clearance on September 11, 1959, the same day Oswald was discharged.
- (2) ARRB should attempt to locate and interview former Clerk of the Superior Court at Santa Ana, California, L. B. Wallace, to clarify (if possible after all these years) exactly when the serial number from Oswald's DD 1173 I. D. card was typed on his passport application (see page 2 of attachment 9).
- (3) ARRB should obtain the contemporaneous regulations from DOS, circa September 1959, defining the rules and limitations governing issuance of passports to members of the military on active duty.

Lead # 10/Allegation: That Oswald's DD 1173 I. D. card was lost, and subsequently returned in the mail, and that the circular date stamp is a U. S. Post Office cancellation stamp used by the post office when the card was (presumably) mailed back to the Department of Defense by the person who found it.

Findings: Incorrect. The author was able to conclusively determine that the stamp on Oswald's DD 1173 is not a postal cancellation cache. By comparing a JUL 19, 1960 cache with an AUG 8, 1996 cache (see attachment 15), it was determined that the format of the cancellation stamp used by the U. S. Postal Service in 1960 was identical with that used in 1996. It seemed reasonable to conclude, therefore, that the format of cancellation stamps used in 1962 or 1963 (the period in which the DD 1173 was presumably lost and postmarked upon its return to the Department of Defense) would have been identical. Using attachment 15 as a "control," it is therefore demonstrable that the circular stamp found on the DD 1173 (see attachment 2) is *not* a postal cancellation stamp: a city name does not appear (as it should) in the outer circumference of the DD 1173 mystery stamp; and the month, day and year appear on the DD 1173 stamp in the outer ring of the circle, instead of in the center of the circle (where they would appear on a true postal cancellation). The author's findings confirm researcher Paul Hoch's earlier suspicion, outlined in his "Echoes of Conspiracy" newsletter of 3/8/93, that the circular stamp on Oswald's DD 1173 may not have been a postal cancellation at all, but instead was probably affixed by Oswald himself with his own stamp kit. In addition, the author has observed that this date stamp on the front side of the DD 1173 (see attachment 2) just happens to coincide with the opaque white "mask" on the lower right hand corner of the "Oswald in Minsk" photo on the front of the card; perhaps the purpose of the stamp was to either disguise the abnormality in the Minsk photo, or to make it appear as if his expired I. D. card (which expired December 7, 1962) had been extended (until JUL or OCT 23, 1963), or both. Furthermore, as Paul Hoch pointed out, the mysterious date stamp also contains the markings for *two* different months, JUL and OCT, unlike any postal cancellation this author has ever seen. Thus, there exists no documentary evidence to support the La Fontaine's claims that the DD 1173 card was ever mailed to the Department of Defense, or returned by DOD to Lee Harvey Oswald.

Amendments to this memo will be written, as necessary, as leads are pursued, documents are clarified further, and issues are resolved.