

March 18, 1997

BY FACSIMILE & FIRST-CLASS MAIL

Mr. Scott O. Hastings
Management Analyst
Records Policy & Analysis Branch
Office of Files and Forms Management
Immigration and Naturalization Service
111 Massachusetts Ave., N.W.
Washington, D.C. 20536

Re: Immigration and Naturalization Service Compliance with the
JFK Assassination Records Collection Act, 44 U.S.C. § 2107

Dear Mr. Hastings:

This is a follow-up letter to my meeting with you, Mr. James M. Leahy, and Ms. Veola Rouse on February 26, 1997, at which we discussed several matters in connection with efforts of the Immigration and Naturalization Service ("INS") to comply with the JFK Assassination Records Collection Act of 1992 ("JFK Act"). The present status of INS's compliance, including the matters we discussed, is set forth below:

1. INS Files of Lee Harvey Oswald and Marina Oswald. Thank you for transmitting to the Assassination Records Review Board ("Review Board") the INS file of Marina Oswald (File No. A 12 530 645) and the balance of the Lee Harvey Oswald file (File No. A 12 531 002). We are currently obtaining clearance from other agencies to release parts of those files, and we will submit the files to the National Archives and Records Administration ("NARA") for inclusion in the JFK Collection.
2. INS Files Previously Made Available to the House Select Committee on Assassinations ("the HSCA"). Your office has identified several individuals' INS files previously made available to the HSCA. The INS's list of those files (identified to date) is attached hereto. *See* Enclosure A (January 9, 1997 Letter from V. Rouse of INS to D. Marwell of the Review

Board, attaching INS's list). You have asked the Review Board to identify any files that should be processed on a priority basis. These files, if indeed made available to the HSCA, must be processed under the JFK Act and should already have been processed after the Act was passed. The Review Board does not now give priority to any files over any others, except that the Jack Rubinstein file (A 11 539 104-S) should be processed more quickly if it is, in fact, the file for the same Jack Ruby who killed Lee Harvey Oswald. It is unclear whether INS's list identifies all, or only some, of the files that INS collected or made available for the HSCA. We recommend that INS resolve definitively which of its files were requested by the HSCA and whether those files were actually made available to the HSCA.

3. INS Files of Other Individuals Connected with the Assassination or Investigation of the Assassination. In addition, INS has compiled a supplemental list of INS files for other individuals who have been associated in some manner with the assassination or its aftermath. That supplemental list is attached. See Enclosure A (the January 9, 1997 INS letter attaching the supplemental list). Your office was not certain whether these files had been previously collected or provided to the HSCA. Since INS does have a file relating to its work with the HSCA, please confirm whether or not these files were either collected for, or made available to, the HSCA (or the Warren Commission).¹ As to those files that you can confirm were made available to a body investigating the Kennedy assassination, they should be processed first. As to those files that were not previously made available for an official investigation of the Kennedy assassination, the Review Board takes no position at present as to whether the file or a part thereof is an assassination record;² those files should be reviewed independently for any material that relates to the assassination or its investigation. The Review Board can be consulted in the event that INS has questions as to whether a file, or a part thereof, qualifies as an assassination record.

¹ For some files reviewed by the HSCA, Mr. Leahy and I noted that INS had placed, within the file, official documentation disclosing that it was provided to the HSCA.

² However, the David Ferrie file should be processed as an assassination record since it includes numerous articles relating to the assassination. In addition, the file of George deMohrenschildt should also be processed as an assassination record. Although the deMohrenschildt file included only pre-1949 materials relating to his petition for naturalization, it should nonetheless be processed as an assassination record given the high interest in Mr. deMohrenschildt as an associate of Lee Harvey Oswald and the allegations that Mr. deMohrenschildt may have been involved with either a foreign or domestic intelligence service.

Mr. Scott O. Hastings
March 18, 1997
Page 3

4. INS Files on the Deportation of Carlos Marcello. Your office indicated that INS has files relating to the 1961 deportation of Carlos Marcello, that these files are voluminous, and that they are located in the New Orleans INS office. Because there have been allegations of organized crime involvement in the assassination of President Kennedy, including assertions that Mr. Marcello's summary deportation gave him the motive to assassinate the President, the Review Board requests that the Marcello deportation files be made available for inspection to determine whether any parts of those files qualify as assassination records.
5. Postponing Release of Files Based on Privacy Grounds. Since the alien registration files contain, by their nature, information relating to specific individuals, INS may seek to postpone release of any part of a file whose release INS considers "an unwarranted invasion of personal privacy" that "is so substantial that it outweighs the public interest." See 44 U.S.C. § 2107(6). The Review Board, however, makes the ultimate determination as to whether release can be postponed on privacy grounds (subject, of course, to appeal by INS to the President).
6. INS Work File in Connection with Responding to the HSCA. INS disclosed the existence of a work file that was compiled in 1978 at the time INS was responding to the HSCA's inquiries and requests for files. The file (numbered Central Office File 703.1412) consists mostly of INS-HSCA correspondence and internal INS documentation as to files collected for the HSCA. That file should be processed as an assassination record.
7. FOIA Files Relating to Requests for Assassination Records. Please check with INS's Office of General Counsel to determine whether there are any files that relate to FOIA requests to INS for assassination records. The Review Board would want to inspect any such files to determine whether they contain any documents that would qualify as assassination records under the JFK Act.
8. Passenger Manifest for the Maasdam. INS disclosed that it has on microfilm the passenger manifest for the Maasdam, which is the vessel that arrived in New York City on June 13, 1962 with Lee Harvey Oswald and his family (see Enclosure B (INS document entitled, "Local Emergency Lookout")). We understand that you have begun to process a copy of the manifest; please complete the processing as soon as possible.
9. Central Office, Field Office, and Work Files of INS. To date, the major assassination

records located by INS are alien registration (or "A" files) on the Oswalds, as well as other individuals. A review of the Oswald INS files indicates that correspondence relating to the Oswalds or the assassination was routed to other INS files. We discussed these file references, and Mr. Leahy indicated he would attempt to locate any such remaining files so they could be inspected by the Review Board. The files we discussed were as follows:

- a. File Relating to INS Waiver Determination (File No. CO 243.1--P). Documents of INS relating to the decision to waive certain restrictions on the immigration of Marina Oswald into the United States was routed to a file numbered 243.1--P ("P" denotes a policy file) and 243.1--C ("C" denotes a correspondence file). *See* Enclosure C (Feb. 23, 1962 INS Memorandum; May 9, 1962 Letter from INS to the Department of State). Given the public interest and speculation about how Oswald and his wife were permitted to return to the United States, please locate and make this file available for review.
- b. File Relating to INS Correspondence with the Navy (File No. CO 105.10--P). Correspondence from the Navy to INS relating to Oswald and his return to the United States was routed by INS's Intelligence Branch, Field Inspection and Security Division, to a file numbered CO 105.10--P. *See* Enclosure D (March 3, 1962 Navy correspondence forwarded to INS). Please locate and make this file available for review.
- c. File Relating to INS Correspondence with the CIA (File No. CO 946--P). In October 1963, the CIA forwarded to INS information relating to Oswald's trip to Mexico City. The INS copy of the October 10, 1963 memo, contained in Oswald's A file, notes that copies were routed to INS file numbered CO 946--P, as well as to "SWRO" and "DAC/TC." *See* Enclosure E (the Oct. 10, 1963 CIA memo). Please locate and make file no. CO 946--P available for review, as well as SWRO and DAC/TC to the extent those identifiers denote existing files.
- d. File Relating to the Warren Commission (File CO 934--P). In 1964, the INS worked with the Warren Commission in obtaining information regarding Oswald. *See* Enclosure F (February 25 & 26, 1964 and Oct. 9, 1964 INS Documents). INS documents on the Warren Commission were routed to file CO 934--P. Please make this file available for review.

Mr. Scott O. Hastings
March 18, 1997
Page 5

e. File No. A12 731 621. Within the Oswald alien (or "A") file is a reference to another alien file, A 12 731 621. *See* Enclosure G (INS Document, dated April 25, 1962). Please identify this file and, if possible, retrieve it for inspection. This is *not* the file that preceded, and was later incorporated into, Lee Harvey Oswald's file (*i.e.*, file A12 386 726 was incorporated into the Oswald file A12 531 002) (*see* Enclosure B, Note on INS Document, dated May 4, 1962).

f. Other Files. The Oswald file also contained memos of Fred K. Harvey, Chief, General Investigations, relating to the Warren Commission's investigation of Oswald and the forwarding of information about Oswald by INS to the Commission. One such memo was routed to file CO 807.1--C. *See* Enclosure H (F.K. Harvey Memorandum on Oswald, dated Nov. 26, 1963). Mr. Leahy stated that file CO 807.1--C, insofar as it was a correspondence file, would have been destroyed. Nonetheless, please confirm whether or not this file is still in existence. We recommend that you contact Mr. Harvey to obtain any information that might be helpful in locating any existing files that relate to INS's investigation of Oswald either in connection with his 1962 return to the United States or in connection with the Warren Commission investigation. Please also locate file CO 703.292, which was referenced on a 1968 letter from INS to Congress regarding Oswald. *See* Enclosure I (July 15, 1968 Letter from INS to Senator Ervin).

10. Other INS Files Relating to Oswald or the Assassination. I inquired whether, apart from the Oswald alien files, there are other official or unofficial INS files relating to Oswald or to the investigation of the assassination, including files relating to any INS work or communications with the Warren Commission.

In particular, please ensure that an adequate search is done to locate, and review for assassination-related records, any existing records from the early 1960's for: the Commissioner of INS, Raymond F. Farrell; the Associate and/or Assistant Commissioners for Investigations; the Deputy Associate Commissioner for Travel Control, Robert H. Robinson; the INS General Counsel; and the Dallas and San Antonio District Offices (including the files of the District Directors). You and Mr. Leahy suggested that such files may no longer exist.

Yet, as we saw, the INS did retain a file in connection with its work with the HSCA (*see* paragraph no. 6 above); it is possible that INS may have retained files relating to the Warren Commission investigation.

Mr. Scott O. Hastings
March 18, 1997
Page 6

We recommend that you contact any available INS officials who were involved at the time to see if they can assist in these inquiries, including, if possible, Fred K. Harvey; L.A. Mack, the Officer in Charge of the Dallas Office; Gordon L. Cornell and J.W. Holland, the District Directors for Dallas and San Antonio, respectively; E.A. Junghans, Assistant Director for Investigations; Samuel M. Reichman and E. Thurman, investigators in Washington, D.C. and Dallas, respectively; and Mario T. Noto, an Assistant Commissioner who reportedly dispatched Mr. Harvey to interview Marina Oswald after the assassination (*see* Enclosure J, consisting of Nov. 28 and Dec. 5, 1963 open FBI memoranda referencing that Mr. Harvey met with Mrs. Oswald).

10. Final Declaration of Compliance. Please update the Final Declaration of Compliance to reflect the follow-up efforts of INS, including the matters we have discussed. In addition, please note that the Final Declaration should be executed under oath in the form prescribed by 28 U.S.C. § 1746.

Thank you for your continuing cooperation, and please let me know if you have any questions at anytime during this process.

Sincerely,

Ronald G. Haron
Senior Attorney

Enclosures

cc: David A. Martin, General Counsel,
INS (w/o enc.)

Mr. Scott O. Hastings

March 18, 1997

Page 7